

**Attachment J**

# **Plaintiff Affidavits and Declarations**

**Affidavit of Renee D. Hedges**

State of Ohio / Summit County:

I, Renee D Hedges, being first duly sworn according to law, state that I am legally competent to testify in this matter, and I have personal knowledge of all the facts contained within this affidavit. I am competent to testify as to all matters stated herein:

1. All documents attached to this affidavit are genuine copies of the original and are fully incorporated by reference herein as if fully rewritten herein. All Exhibits referenced and/or attached thereto and fully incorporated by reference herein are all true and genuine copies of the originals and each is incorporated herein as evidence in support of the plaintiff's motion. All documents as was filed in this matter attached to the complaint are also incorporated herein fully by reference by this affidavit as if fully and completely rewritten herein. This includes all documents contained in the Exhibits attached to the complaint as filed for record. All Exhibits referenced and/or attached thereto and fully incorporated by reference herein are in support my individual claims that my Constitutional Liberties, Freedoms and God-given, absolute, fundamental, and inalienable Rights have been unconstitutionally infringed upon and denied and/or jeopardized to me as I detail herein.
2. The DeWine, Acton, Himes Orders as have been issued since March 2020 have adversely impacted my Constitutional Liberties, Freedoms and God-given, absolute, fundamental, and inalienable Rights.
3. As a direct and proximate result of these unconstitutional orders and their mandated implementation, my family and I have been made to endure the following harms in this affidavit.
4. The declared "State of Emergency" made by DeWine and the ODH, and it's continuous, unnecessary and unfounded extension of said orders have wreaked havoc, turmoil, angst, and undue stress upon me, as well as my entire family. These baseless orders have affected us in numerous adverse ways in a multitude of situations. I believe our constitutionally guaranteed freedoms, including religious and medical, have clearly and repeatedly been violated as a result of the governor's mask mandates and inducement of panic, and the very essence of the Emergency Order itself.

**Renee**

**5. HEALTH DIAGNOSISES**

Active Medical Conditions via Cleveland Clinic Mychart:

- Vitamin D deficiency 3/14/2014
- Optic neuritis 3/16/2014
- GIST (gastrointestinal stromal tumor) of small bowel malignant (HCC) 5/20/2014
- Convulsive syncope 4/12/2016
- Pulmonary nodules 4/12/2016
- Dysautonomia (HCC) 6/27/2016
- POTS (postural orthostatic tachycardia syndrome) 7/8/2016
- Labile blood pressure 7/8/2016
- Inflammatory and toxic neuropathy (HCC) 1/8/2017

- Neuropathy due to Sjogrens syndrome 1/8/2017
- Sjogrens syndrome 1/9/2017
- Orthostatic hypotension 3/16/2017
- Demyelinating neuropathy 5/7/2017,
- Paraneoplastic neuropathy 5/7/2017
- Long-term use of high-risk medication(Plaquenil) 1/22/2018
- Keratoconjunctivitis sicca in Sjogrens syndrome (HCC) 1/22/2018
- Autonomic nervous system disease or syndrome 2/27/2018
- H/O aortic valve insufficiency 4/24/2018
- Hypertension Positive GAD antibody 9/20/2018
- Heavy metal exposure 1/28/2019
- Compound heterozygous MTHFR mutation
- C677T/A1298C (HCC) 1/29/2019
- Cervical dystonia 6/11/2019
- Stiffness in joint 6/11/2019, Stiff person syndrome 2/3/2020.

All medical records are saved via zip drive since July, 2016. Cleveland Clinic

Specialist include: PCP, Oncologist, Neurologist, Rheumatologist, Cardiologist, Pain Management, Physical Therapy, Neuro Ophthalmologist and In-Home Nursing. \* My neurologist has deemed me as total and permanently disabled as of July, 2016. My conditioned are progressive and degenerative.

#### **6. SYMPTOMS THAT MAKE IT DIFFICULT TO WEAR A MASK BASED ON DIAGNOSISES**

- 24/7 dizziness and lightheadedness
- Cerebral hypoperfusion
- Low BP and high BP fluctuations throughout the day (sometimes dangerous upon standing)
- Low and High HR upon sitting and standing
- Tachycardia
- Stiffness that causes severe pain
- Slow gut motility
- Dry mouth
- Syncope and pre-syncope
- All day major fatigue
- Visual disturbances
- Sensory intensity due to autonomic problems
- Headache
- Difficulty with word finding due to low blood volume and oxygen to the brain
- Chest pain and need to breathe deeply
- Shortness of breathe
- Nausea
- Muscle Spasms/locking that cause me to need to breathe deeply
- Severe neck and jaw pain



## **7. MEDICAL DECLINE AND PROBLEMS WITH MEDICAL APPOINTMENTS**

**3/12/2020** My neurologist called me to cancel my appointment with him due to COVID19 that was to take place the next day. It can take 6-9 months to get an appointment with him. I had been waiting a long time to see him for my neurological evaluation, but he did a phone consult instead and did not charge me. He also suggested I stop Cardiac Rehab at my local gym due to COVID19 risk. Gyms were closing anyway. I can't do these at home. I can choose what program to do between PT program and Cardiac program depending on daily symptoms, and I need equipment. I had a major decline in my baseline symptoms due to not having access to the machines I rely upon from March thru June. I have not recovered to my baseline to date. Appointment rescheduled for October, 2020 (6 more months).

**4/27/2020** Was supposed to see Cardiologist, but I had to reschedule for a later date in July. Cleveland Clinic wasn't seeing patients in person at this time and offering telehealth. Seeing a cardiologist in person is only optimal for current condition. Cleveland Clinic started doing telehealth for many doctor visits at the start of the lockdown.

**4/29/20** I went for blood work at a local Cleveland Clinic in Cuyahoga Falls for an upcoming cancer test (CT). I was able to enter without a mask due to medical conditions, but was sternly told by the receptionist to stay 6ft from her due to not having a mask on, and I had to loudly share personal information in front of the entire waiting room. I also called Cleveland Clinic Twinsburg to get clearance to not wear a mask for my upcoming scan. At that time, it was highly recommended. However, radiology wrote a note that I was coming without a mask for my regular oncology scan.

**5/4/2020** Went to Cleveland Clinic Twinsburg for scan. Was asked the typical COVID questions at the door, and was asked to wear a mask. I had to explain that I called and got clearance to enter due to cerebral hypoperfusion and other symptoms. I was able to enter, but was hassled once again at radiology where I told her the same thing and was able to proceed.

**5/12/2020** Distance health follow up with Oncologist as Cleveland Clinic wasn't seeing too many in person visits due to COVID19.

**5/26/2020** I was supposed to see my neurology nurse for a neurological appointment. This appointment was rescheduled by Cleveland Clinic at least five times before this date because the neurology nurse was assigned to different duties due to COVID19. Tele-health was the only option as they were not seeing in person yet. This was supposed to be a follow up to my cancelled 3/13/2020 appointment that was cancelled with my neuromuscular neurologist due to COVID 19 lockdown. I had a major increase in symptoms as stated in mychart notes: "Renee has noted an increase in her symptoms. She states she has increased issue of dizziness. She is noting fluctuation of heart rate and blood pressure from low to high. States her symptoms of dizziness are increasing her fatigue. The dizziness is constant unless she lays down. Dizziness begins with any postural change or being upright. She states she has to take a break and lay down every hour or so. She is seeing postural increase in heart rate >30 beats per minute. Blood pressures have fluctuated--has seen blood pressures 90/40 and even high with systolic >140 and diastolic >100. She states that her left arm will hurt with high blood pressure. She has not been able to exercise over the last 2 months due to lack of gym access. She tried to exercise at home with walking exercise, but this was difficult. She has some muscle weakness that began in her right arm over a month



ago. She states when she begins to reach out with her right arm it will hurt. When she goes to lift her arm above her head, her arm will shake. Mild numbness is noted and it intermittent. The weakness is in the shoulder/deltoid area and is constant and pain is associated with it. Monthly IVIG every 4 weeks." Rescheduled follow-up for July in person.

**7/1/2020** I once again called a couple days prior to this date, because I had my cardiology appointment. Cleveland Clinic was strongly recommending masks, but cardiology said I was ok to come in. Once in the room, the nurse indicated that my doctor, Dr. Pace might not agree to see me since I can't wear a mask. I told her I had called ahead. He did come into the room, barely looked at me and told me to sit 6ft from him. He never examined me, nor listened to my heart for the regurgitation. He just asked me questions and ordered testing. I filed a grievance because of this, and he had put in my notes that he encouraged aerobic exercise, which he never did. I can't even do those types of exercises. He also indicated he discussed weight, which was never mentioned. He did write: "Additional exam deferred as patient unable to wear a mask and to maintain social distance of 6 feet."

**7/15/2020** Mask Ordinance passed in Cleveland. Called Cleveland Clinic main (which my husband has to drive me to since it's an hour away) about me coming in for my upcoming neurological nurse appointment. They said to call back a few days before since they were unclear of the mask policy. I had explained that my medical conditions make it extremely difficult to wear a mask due to reduced oxygen flow to the brain. At this time, caregivers were also not able to attend, so in case I felt syncope, I was very concerned about walking with a mask on even for a short time by myself into Cleveland Clinic main.

**7/17/2020** Called Cleveland Clinic Neurology about mask policy. They indicated masks were required due to COVID19 and medical exemptions weren't being written as much, so they could accommodate me through tele-health again. I reluctantly did agree to that but was concerned about insurance covering it. I did have my tele-health with the neurology nurse again. He told me that if I were to come to main for an in-person visit, I would need to do my best with a mask. He indicated the argument would be that I'm not on oxygen and most exemptions are for those on oxygen. I reminded him that I do not get oxygen to the brain automatically and wearing one increases dizziness and syncope. He didn't disagree, but it seemed his hands were tied. Appointment focused on increase in symptoms due to response to COVID19 (stress and lack of cardiac rehab). Stiff Person can progress due to stress. I had just started cardiac rehab back up as this can take months to notice any improvement once stopped: "She has not had any improvement in her symptoms since our last visit. She has been doing cardiac rehab the last 3 weeks. Has not noticed the benefit yet. Without the beta blocker, the heart rate will spike quite high (>160 beats per minute). If symptoms do not improve in next 4-6 weeks, will obtain a ziopatch and consider the possibility of utilizing Ivabradine for heart rate control as it will not cause hypotension."

**7/22/2020** Governor Dewine issued a mask mandate, so my rheumatologist office called concerning an upcoming appointment to remind me to bring my mask. I explained the difficulty I have with wearing one and a current increase in autonomic issues which include lack of oxygen to the brain. My appointment was scheduled for the next day. They offered Tele-health as an accommodation. I wanted to be seen in person, and I was afraid my insurance might not cover it, so they rescheduled me with a nurse for August 24<sup>th</sup> since my rheumatologist had no other openings. I also called Cleveland Clinic Twinsburg as I had an upcoming cardio echogram. I was afraid that I'd be turned away without a mask. A



manager had to call me back a few times stating she was trying to work this out. I didn't hear anything back, so I called again on 7/24/20.

**7/24/20** Called Cardiac department about the mask issue at 10:38 regarding upcoming echo. I have them audiotaped. The receptionist accidentally hung up on me. I called back at 10:40 AM. The receptionist talked to the nurse (Monica) who indicated I would be fine, and she'd mark it in mychart. They got an email that she read to me, and with my conditions I should be exempted with no issues. Then at 11:50, I got a call from a nurse manager named Jared Leal. He said they updated their mask policy as of Wednesday and everyone has to wear one starting Wednesday. He stated that he would probably have to "reschedule me for a much later date." I have the message. I did call him back at 11:55, which is audiotaped. He had no idea what stiff person was, nor the autonomic issues I have, so any face covering would not be acceptable. He ended the conversation by saying he'd call me back. The tech doing my exam "was scared," so he'd talk to her about using a plastic drape between the two of us. I did get a phone call back from him who said he'd email me the plan. I'd have to show the email he had written upon entrance: "Hi Renee, Thank you for speaking with me about your upcoming appointment on Monday, July 27<sup>th</sup> at 3:30pm. I appreciate you sharing with your challenges with wearing a mask or face shield. **You may present this email to the screeners to be admitted without a mask or face shield.** I secured the drape and it will be ready in cardiology so it won't touch your face during the exam but still offer protecting to the technician."

**7/27/20:** Was able to do exam and test but not without hassle at the front door where I had to show an email for the nurse excusing me from a mask and shield.

**8/13/2020:** Requested a mask exemption from my PCP for upcoming appointments at the Cleveland Clinic. Here is the response from my PCP: "Renee, I am not writing mask exemptions for anyone who does not have severe COPD at this time." From there she told me to ask my cardiologist or neurologist.

**8/14/2020** I wrote the following to my neurologist: "I sent a message to my PCP, requesting a mask exemption. I can't wear these. It triggers more symptoms. She indicated to contact you. She is only writing letters for those with severe COPD. As you know, I have the same symptoms as those with severe COPD and that's not all. I'm having to reschedule appointments because of this, and I have a documented timeline of the harm this is causing not only from the stress but increase in symptoms. I'm getting the feeling that CC is not able to write these for some reason. I'm frustrated, and I'm clearly venting to you. What do you suppose I do?" I did receive a response back from the office indicating mask exemptions were not being written: "Unfortunately we cannot go against CDC guidelines and we must follow them. Please refer to the CDC website for more information. X doctor has said that you can have your visits with a virtual platform using zoom if needed."

As a result, an upcoming appointment with my rheumatologist was rescheduled for a virtual. Even my 6 month follow-up for 2/2021 was scheduled via zoom. I had a physical scheduled with my PCP. She changed my appointment from a physical to a virtual follow-up. I won't be getting a physical. I have an appointment in October with my neurologist that is subject to change to virtual.



## **8. MASK MANDATE IN THE COMMUNITY AND INCREASE IN STRESS**

Even prior to the mandate, I was often approached by store employees about wearing a mask. I was actually followed by a manager in Pet Supplies Plus who had a box of masks. When I told him politely that I have medical issues, he told me to hurry up or order online next time. I don't go out much as it is, but even when I do, I have to constantly explain why I'm not able to wear a mask. I have invisible disabilities. As you can see, I have also had a difficult time getting adequate health care without hassle in the previous section. This stress has increased my symptoms. It is well known that Stiff Person can progress to the next stage with induced stress and autonomic dysfunction symptoms become severe due to stress. Between the medical merry go round, and other issues related to COVID19 response that is impacting my family, I know this is negatively impeding my health.

## **9. VOTING ISSUES**

**Beginning of April:** Due to in person voting being cancelled, I requested a mail in ballot.

**4/26/2020** Received wrong mail in ballot two days before due. Had to call to figure out what to do to get correct ballot. I was told to show up to the polls on 4/28/2020, in person to vote using correct ballot. The only issue is that the closest place is twenty minutes away in Akron, and I can't drive that far.

**4/28/2020** I was highly symptomatic this day. My husband took me to Akron anyway, so I could vote in person and with the correct ballot. He was not able to accompany me into the building due to COVID-19. I was asked to wear a mask, but explained I had medical conditions. It took about 45 minutes, which increased my symptoms, and I was sick through the next several days. I could not get back to my baseline which is brain fog, stiffness and dizziness. Standing this long and being in a car causes my heart rate and blood pressure to fluctuate causing worsening symptoms as well as headache, muscle locking, difficulty with vision, word finding issues, and jerking movements.

## **CHILD/SON**

### **10. EDUCATION**

- a) Our 14-year-old was attending a college preparatory Christian middle and high school where he received honors, band and athletic achievements. When the schools closed it progressively and severely negatively impacted his emotional and social well-being. Because he is at a rigorous school, they quickly went to an online platform from 8:00-3:00 daily with 4 more hours of homework online daily and on weekends. He was in his room working hard to keep his honor roll status or at the kitchen table where he became very frustrated for hours daily. Our son was also a first chair saxophone player. Online Wind Ensemble turned into workbook work, and he wasn't given the opportunity to learn or play the rest of year.
- b) Due to the mandated masks, our son will no longer be attending his school, because masking goes against our religious beliefs. His school also would not accept a medical exemption from his chiropractor he has seen since birth.
- c) He is instead enrolled in Liberty Christian Online for the 2000-2001 school year. Our son learns better with in person instruction and deserves to continue with his in person college prep school, but due to mask mandates, daily temperature checks at school, and contact tracing which is against our Christian beliefs and constitutional rights, we had no other choice other than homeschool.

### **11. SPORTS**



- a) Our son was not able to play any fall/summer sports even with our recreation league due to too many confusing changes in the orders. Our park and recreation league cancelled baseball. Our son has been playing baseball since he was four. This put our son in a deeper state of sadness.

## 12. MEDICAL

- a) Our son was scheduled for his yearly sports physical in July, 2020 with his primary doctor at Summa. We were told through phone conversations and email that my husband and son would need to wear masks for his physical, and would not be allowed admission without one. As a result, his doctor told us to find other means of getting his physical done and cancelled his appointment. He was refused service over the mask mandate which goes against our Christian faith. At the time, we were also going to inquire about a medical exemption for school, but was never able to do this. So, we went through Austin's Chiropractor for his physical. His school allows chiropractors to do physicals, but would later tell us we couldn't turn in an exemption from his chiropractor. They would only accept letters from an MD.

## FAMILY RELIGIOUS CONVICTION

### 13. CHRISTIAN FAITH

- a) Our bodily autonomy and our right to choose what medical procedures best suit our family are hallmarks of our Christian faith.
- b) Mask Mandates, forced temperature checks and contact tracing questions goes against our beliefs that God is sovereign and has made us in his image. It goes against our right to choose for our child. God gave us our child to make medical decisions. It's our belief that it's up to the parents to ensure the health and well-being of our child is monitored. It's not up to the government or any school to do this. Any interference with forced medical compliance goes against God and our fundamental right to choose what is best for us based on Biblical truth.

### 14. MASKING

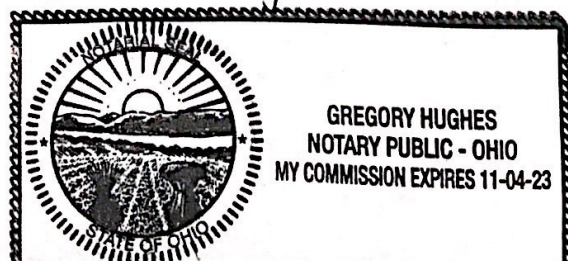
- a) Masking, to our family, is cultic and goes against Christ. Government masking orders during a virus with a 99% recovery rate, and without proper safety and efficacy studies should never infringe on our religious and constitutional freedoms. My husband has been forced to go against his religious beliefs due to this mandate. He has to wear a mask to keep employment. This has increased anxiety, stress, and depression.
- b) God gives sole authority to Christian parents to shepherd, discipline and protect our families. Examples of scripture references which apply include, but are not limited to, Deuteronomy 6:6-9, 2 Samuel 12:16, Proverbs 22:6, 29:15-17, John 4:46-54, Ephesians 6:4, 1 Timothy 5:8. Additionally, 2 Corinthians 3:16-18 says, "But when anyone turns to the Lord, the veil is taken away. Now the Lord is the Holy Spirit. And where the Spirit of the Lord is, freedom is also there. Our faces are not covered with a veil. We all display the Lord's glory." As a Christian, my husband and I simply cannot relinquish to governmental authorities decision-making authority to care for the well-being of our family. The wearing of any sort of facial covering is against our core religious beliefs. This is infringed on daily as we can't go into public as a family anymore without being ridiculed, hassled, or turned away.

15. Further, Affiant sayeth naught.

Bence D. Hedges

Sworn to before me and subscribed in my presence this 28<sup>th</sup> day of August, 2020.

Gregory Hughes  
Notary Public





State of Ohio

County of Ottawa

I, Michael Renz, on my own behalf and also acting with Power of Attorney for Scott and Kathleen Renz, being first duly sworn according to the law, state that I am legally competent to testify in this matter, and I have personal knowledge of all the facts contained within this affidavit. I am competent to testify as to all matters stated herein:

1. All documents attached to this affidavit are genuine copies of the original and are fully incorporated by reference herein as if fully rewritten herein. All Exhibits or Attachments referenced and/or attached thereto and fully incorporated by reference herein are all true and genuine copies of the originals and each is incorporated herein as evidence in support of the plaintiff's motion and/or case. All documents as were filed in this matter attached to the complaint are also incorporated herein fully by reference by this affidavit as if fully and completely rewritten herein. This includes all referenced and/or attached thereto and fully incorporated by reference herein are in support of my individual claims that my Constitutional Liberties, Freedoms, and God given, absolute fundamental and inalienable Rights have been unconstitutionally infringed upon and denied and/or jeopardized to me as I detail herein.
2. The Dewine, Acton, Himes and other Orders as have been issued since March 2020 have adversely impacted my Constitutional Liberties, Freedoms, and God-given, absolute, fundamental and inalienable Rights.
3. As a direct and proximate result of these unconstitutional orders and their mandated implementation, I have been made to endure:

#### Summary of Impact – MICHAEL RENZ

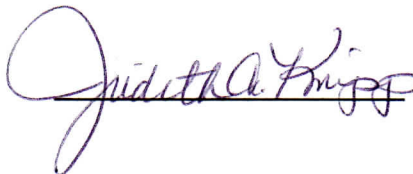
1. 20<sup>th</sup> Century Lanes, a bowling alley/bar/grill ("BA") located in Oak Harbor, Ohio was forced to close down because of the mandates. The BA had been damaged prior to the shutdown by a car hitting one of the walls. We had planned to complete repairs over the summer and perform other renovations but were unable to complete any of this because of the shutdown. First we lost money from having to close and then we could not do the work to get the place ready for this season because of the lockdown and the impacts. Now we are going to lose more money because of the fact that we could not get the place fixed.
2. My father and mother and I were all locked in our house during the statewide house arrest. We should not have been imprisoned.
3. The stress and fear created by the never-ending lies the Governor and Health Director told as well as the fact that our rights were trampled on really upset my parents. Mom finally seemed to get hit hard enough by it that she had a stroke. Since then she has had limited or no visitors because of the orders. Her greatest fear has always been to be locked in a nursing home without family and friends. That is exactly where she is now

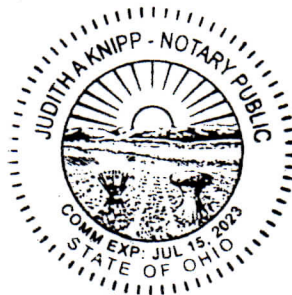
until she can recover enough that we can take care of her at home. It should be our decision whether or not to visit my Mom. She has been married to my dad for 50 plus years and he cannot go see his wife. He is devastated by this and I can only pray it does not cause further health problems for him.

4. I enjoy traveling and have been unable to go to many of the other states I had been planning to go to. It is not uncommon for me to take a week or two in the summer and drive to different places around the country. That has not been an option this summer.
5. I cannot breathe when I wear a mask. I have had health problems in the past and do not think it is safe for me to wear one. If I do not wear a mask I am looked at as a monster.
6. I am a large person and have always struggled to manage my weight. Being cut off from the gym has resulted in substantial additional weight gain and my doctor wants me to lose weight.

  
\_\_\_\_\_

Sworn to before me and subscribed in my presence this 31 day of August, 2020.

  
\_\_\_\_\_  
Notary Public





Summary of Impact – JESSICA FRANZ

1. My journey into the “new normal” began on March 9<sup>th</sup>, when Governor DeWine declared a “state of emergency” in Ohio after 3 people tested positive for Covid-19. I was alarmed, but like most Ohioans at that time, I gave him the benefit of the doubt due to the supposed “novel” nature of the virus and the unsettling news coming out of countries like Italy and China. In hindsight, however, I find it interesting that Democratic presidential candidates Joe Biden and Bernie Sanders had separate rallies planned for March 10th in Cleveland. DeWine said he would not order them to cancel because candidates are allowed under the First Amendment to gather if they wish. [1]
2. On March 12<sup>th</sup>, after health officials confirmed the 5<sup>th</sup> case of Covid-19, DeWine and Acton ordered schools be closed for three weeks, and Acton banned gatherings of 100 or more. [2]. It was at this point in time that I really began to become concerned. This was my oldest son’s senior year of high school at Miami Valley Career Technology Center. He had been preparing for months to compete in several automotive skills competitions, spanning from March-May, that would more than likely have resulted in scholarship monies for him. He had also been one of two students selected to give a graduation speech at the Nutter Center located at Wright State University in front of hundreds of his classmates, teachers, administrative staff, and parents. Due to the shutdown, he was also prevented from attending events like prom, field trips, and other school functions.
3. On March 15<sup>th</sup>, DeWine and Acton said that 37 people had tested positive for Covid-19. They announced that bars and restaurants would close. I thought it was very rash and premature when DeWine said "If we don't take these actions now, it'll be too late. This is a matter of life and death. We have to do this to save lives." He also began hinting that schools might be closed for much longer than three weeks only three days after announcing they would be on an extended spring break for three weeks. [3] At this point, I began to question how he could speak with such certainty about a virus that he himself claimed to know so little about. Additionally, no solid evidence was being presented to support these measures other than that Ohioans were told that Covid-19 cases were climbing daily. By March 16<sup>th</sup>, I was convinced that my feelings of unease had been correct when DeWine backed a lawsuit attempting to move Ohio’s primary election to June 2. When the judge denied the measure, Acton ordered the polls be closed as a health emergency. DeWine failed to call a special legislative session as required by law to cancel a primary election. [4] At this point, only 50 people had tested positive and 14 people were purportedly hospitalized. [5]
4. DeWine began to continue to issue unconstitutional orders through his ODH Director, Amy Acton. On March 17<sup>th</sup>, he issued an order that elective surgeries and procedures be postponed [6]. The next day, he ordered barbershops, beauty salons, tattoo parlors, hair and nail salons closed. He also closed 181 BMV’s. He took these extreme measures when there were only 88 positive cases in the state. [7]
5. On March 19<sup>th</sup>, Chief Justice Maureen O’Conner released inmates from jail, who were deemed at risk for contracting Covid-19. [8] Given the statewide mask orders that are

now in place, I'd like to ask her why they didn't just have the prisoners wear masks if masking is so effective. As March progressed, DeWine continued to issue orders, including closing adult day services for those with developmental disabilities. On March 22, the ODH issued a stay-at-home order, which was supposed to expire on April 6. On March 23<sup>rd</sup>, it started to become clear to me that DeWine was purposefully misrepresenting data. [9] It was at this time that it also began to dawn on me that this couldn't just be about a virus -the facts were simply not there to support the kind of rapid-paced and oppressive measures being daily imposed upon Ohio citizens.

6. The Governor admitted in an interview with the Xenia Daily Gazette that "[His] experience has been when you have all the facts, and the facts are right, you generally make the right decisions. I've been really focused on getting the facts. This is not any area of my expertise at all." He admitted to not being an expert, but when an expert – Dr. Andy Pekosz, a virologist at John Hopkins University appeared on a webinar at about the same time as DeWine's interview, he emphatically stated FOUR times that Covid-19 was a "mild disease" with "mild symptoms" for the vast majority of people. However, DeWine insisted on comparing Covid-19 to the Spanish Flu of 1918 for weeks even when the evidence clearly showed that COVID-19 was not the Spanish Flu. For example, "Young people were devastated by the flu virus of 1918. The symptoms were horrible, and the death toll was 625,000 out of a total U.S. population of about 100 million." [10] According to Dr. Atlas, Governors and Mayors are NOT adjusting to what is being learned about Coronavirus and are continuing to hold destructive policies. The WHO said recently that "It's very rare" to have asymptomatic people transmit. We know there's virtually NO risk to young people, which means the schools and universities should be open! In fact, 99.9% of Covid deaths were from people age twenty-four and older. Even DeWine admitted in an April 17th radio interview that the majority of people who get the virus, will NEVER show any symptoms [11]
7. DeWine promised to be transparent about the number of Covid-19 cases, as he was using these numbers as a justification to take away the rights of Ohioans. [12] He has failed to provide information concerning the number of deaths in long-term health facilities, even when he was repeatedly asked by the administration to do so. ODH has refused to provide data, citing "privacy concerns" but offered no real legal justification. On April 2nd, The Ohio Roundtable, a division of the American Policy Roundtable, filed a Freedom of Information request with Dr. Amy Acton of the Ohio Department of Health. They requested that all Ohioans be allowed to "see the math" behind the construction of Dr. Acton's latest model which was controlling public policy decisions in Ohio. The ODH refused, claiming immunity.
8. DeWine wrote a letter to President Trump on March 28<sup>th</sup> requesting federal funding. Within the letter, he hints that businesses will be closed indefinitely. He stated, "The indefinite closure of businesses proves difficult for owners and employees to gauge the true impacts." I'd like to know how he knew that the closures would be indefinite, unless he had already planned that they would be. [13] This letter was sent only 19 days after he declared a "state of emergency." At this time, only 25 deaths had been attributed to Covid-19. On the same day (March 28<sup>th</sup>) that DeWine requested funding, Acton told



Ohioans they could expect to see 10,000 new cases per day. She also claimed that "The effectiveness of what we're doing now [staying at home] will show up in our data two weeks from now." However, staying home didn't seem to make any difference because DeWine and Acton continued to extend the emergency orders time and time again, and usually in the midnight hour.

9. As history has shown, Ohio citizens were deceived. You were deceived, and I was deceived. The model Acton used, Ferguson's Model, (and which she would never share the math behind because it still remains locked up at OSU) was off by 96%! And yet, Acton revised her projections only twice – once to 10,000 cases per day and the second time to 2000 per day. In reality, the number of cases never exceed 100 per day, with the exception of one prison in which all prisoners were tested. "Acton's continued [flawed] projections remained 20 times higher than the actual infection rate, and these inflated numbers were used to continue the state's draconian measures which included a ban on visiting nursing home residents, religious services and gatherings, and even small groups in private homes." [14] This proves that DeWine lied about his transparency with the data and about his supposed commitment to facts.
10. DeWine and Acton have repeatedly refused to provide statistics on just who was dying from Covid-19. Acton claimed that nursing home deaths comprised only 20% of the total, but that proved to be a lie as well. By May 21, it was revealed that 79% of the state's deaths had been nursing home residents. [15]. Despite the evidence that 99.8% of all Ohioans have survived Covid-19, 79% of Covid-19 deaths occurred in nursing homes, and despite the fact that the CDC has said that Covid-19 is no longer a pandemic and has been declining for eleven straight weeks [16] - Ohioans are still living under severe restrictions imposed on us with absolutely no evidence to back up these kinds of measures.
11. There are many ways in which the actions taken by DeWine and the ODH have personally affected me and my family. Below is a brief synopsis:
  - a) As an Ohio citizen, I have been lied to by my governor and by the ODH Director about the Science, data, and facts surrounding Covid-19. I was denied access to the model being used to justify keeping me and my family in lockdown and isolation. They have acted fraudulently either because they are mentally ill (suffering from Munchausen syndrome by proxy, which means they are unfit to serve in positions of leadership), or because they have a politically motivated agenda, in which they are submitting Ohio citizens to unconstitutional mandates to achieve their goals. There is a deliberate denial of the science and the data that is going on with these closures. DeWine and ODH have made up their own rules, and they didn't listen to guidelines provided by WHO. For example, the ODH says 6ft, but WHO says 3 ft. ODH is mandating mask wearing for employers and employees (and now there is a statewide mask mandate – affecting even ours schools and places of worship!), and yet WHO says they "Do not recommend masks

for the general public,” and to only wear masks if you are in a high-risk group in an area of widespread transmission of the disease. I am sick of being lied to.

- b) My son lost a part of his senior year; this includes field trips, prom, competition experiences, scholarship opportunities, virtual graduation ceremony instead of the ceremony that was to take place at Nutter Center. My son had opportunities and experiences stolen from him, he will never get this time back.
- c) My family (my husband, myself, and our 6 children) do not wear masks for both medical and religious purposes. My 16-yr. old daughter was denied care by her pediatrician (Dr. Denen with Internal Medicine/Centerville Pediatrics), who wouldn't see her without a mask, even when we explained we were there to see about her getting a medical exemption for school. When I asked him to provide a copy of Premier Health's policy requiring masks be worn during visits and that they weren't accepting exemptions- he failed to provide me with one. Additionally, we were treated like lepers by the office staff and the pediatrician violated HIPAA by sharing my daughter's private medical information with the office manager. They made absolutely no attempt to work with us by offering alternative solutions. Initially, Dr. Denen refused to speak with me on the phone, but eventually he agreed to a phone conversation. During our conversation, I was actually challenged on my religious beliefs when I told him I had religious reasons for not wearing a mask. He asked me, "Where does it say in the Bible that you can't wear a mask?" Not only was this question intrusive, it was obnoxious. The fact that he thought he had the right to question my personal religious convictions and experiences was unprofessional and inappropriate.
- d) During the shutdown, my family was kept from exercising the core tenets of our faith; such as assembling with other Christian believers, visiting the sick in hospitals, and we were unable to visit my husband's grandmother in her retirement community. I was also prevented from hosting social events for teenagers at my local rec center. My husband and I rent out the rec center twice a month, so homeschool teens will have the opportunity to socialize with other teens. My husband, myself, and many other parents, students, and local leaders consider this a ministry to our local community.
- e) Per my conversation with staff in April/May, my OBGYN (Dr. Guy with Premier Health Women's Health Specialists and Midwives of Dayton) will not see me without a mask and cannot (will not?) provide me with a company policy stating they are not recognizing 13 exemptions set forth by ODH. I have a lump in my breast that needs addressed. Due to religious reasons associated with my understanding of occult initiation practices and masking, I will not wear a mask. I called again the week of August 24<sup>th</sup> and tried to make an appointment. I explained to the receptionist that I really needed to be seen due to the issue aforementioned. She acted as the go-between for me and another lady in the office (presumably the office manager). I could hear them talking back and forth and the office manager told her that I would only need to wear it for just a short time to pass through the



public areas. I explained that as a Christian, this was against my deeply held religious convictions, and that it would be like asking me to wear an occult symbol or a hijab. After much discussion back and forth, they finally agreed to allow me to make an appointment. They told me I would need to call upon arrival and come in through the back door, so that no one in the reception area would see me. I cannot begin to describe the emotional and mental toll this has taken. Having to fight for my civil and religious freedoms to see my doctor about something that could potentially be life threatening is something I have never before encountered in my life. Additionally, being segregated from others because I was told they might feel uncomfortable by my unmasked face has been an incredibly humiliating and dehumanizing experience.

- f) My son may not be able to take a class at Sinclair that is meeting at the campus once a week due to his religious conviction not to wear a mask and because he doesn't want to give his school permission to practice medicine on him by impeding his oxygen levels, lowering his immunity, and making him more vulnerable to contracting a virus. In addition to religious reasons, he also has medical reasons, which would preclude him from wearing a mask. A Sinclair College Representative, who was slated to be handling issues with Covid-19 (Andrew) told my son that Sinclair would accept a medical exemption. My son obtained an exemption from his doctor and sent it to the accessibility office. The accessibility office responded that they were in receipt of his exemption, but it "wasn't enough." They asked to know his medical condition that made him exempt. He replied that per HIPAA, he didn't have to discuss the details with them. They then sent an email that in order to receive an accommodation at Sinclair College, students were required to submit documentation of proof of disability and limitations. They told him that a "mask exemption" falls under the policy of an accommodation, and therefore, their accommodation policy must be met. They also contacted his instructor and told him not to allow my son in class until it was worked out. My son then requested an accommodation form, which his doctor filled out and sent in for him. Sinclair is now requesting an intake appointment with him. As of Friday, August 28, he is still not certain if he will be granted access to attend his class. He is on track to graduate with an associate degree in Engineering at the end of the year. However, if Sinclair prevents him from attending class over not wearing a surgical/cloth mask, they will delay his academic pathway and he will not graduate on time.
- g) My daughter's school (Miami Valley Career Technology Center) informed us a week before classes started that they are moving to ALL online classes. They did have a hybrid (2 day a week in the classroom) model in place, but due to "Governor's guidance," they are moving everything online. We have been provided with no credible science, data, or facts that would support this measure, only that the Governor said so.
- h) My daughter attended one day at school (MVCTC) before they moved everything to online until September 8th, when they are going to try to go back to a hybrid model. She was the only one NOT wearing a mask out of hundreds of students. All day long, she heard students complaining about not being able to breathe and how hot it was. She said

her classroom was so hot that she was having difficulty breathing even without a mask. She experienced high levels of anxiety at seeing everyone else wearing masks.

- i) My husband and I were denied service at a Little Caesar's in Troy, Ohio by the acting manager. He told us he could refuse to do business with us because we weren't wearing a mask. We cited medical and religious reasons, but it didn't matter to him. He also demanded to know what our medical reasons were. He failed to provide a company policy backing up what he was saying when we asked for one. He called the police on us and the health department. I filed a complaint with Little Caesar's Customer Care. They said they would have a representative call me back. I called a total of four times. After each of the first three calls, I was informed that they would pass on my information to supervisors and area managers and I would receive a call back. However, I never heard back from anyone. On the fourth time I called, a supervisor finally agreed to speak with me. They told me their lawyers had worked with ADA and ADA told them that people who wore masks were considered a "direct threat" to the health of others. I asked if they could share ADA's documentation with me, and they could not.
- j) My two daughters and I were refused entry into the Walmart Vision Care Center (even though we had been there the week before to get eye exams). They told us that the doctors were separate from the eye glass store (we were there to pick out glasses), and that it was Walmart's policy to not allow entry if we didn't wear masks. We again cited religious and medical reasons. They called their marketing manager, who wanted to know what our exemptions were. I told her we didn't have to share that per HIPAA. They strung us along for close to two hours, we dealt with countless vision care staff, two Walmart managers, and the marketing manager over the phone. In the end, we were STILL denied entry, even after we said we'd wear face shields at the Walmart manager's suggestion. The vision care staff said they couldn't make the call (apparently, no one could or wanted to take the responsibility) and we were denied entrance into the store. I filed a complaint with Walmart's Ethic's department. Eventually, I was given the Human Resource manager's phone number, which was a non-working phone number. When I called the Ethic's department to tell them the number was not in service, they had no one else available for me to contact.
- k) On Thursday, August 13<sup>th</sup>, my daughter and I were denied entry into the health food store by the manager. I asked to see the store policy, and she had nothing she could provide me with. She refused to give me the owner's contact information when I requested to speak to someone in a higher position. As we left the store, my daughter saw her spraying some kind of spray (most likely disinfectant) in the area where we were standing. This deeply troubled my sixteen-year-old daughter, and I worry about the psychological ramifications of being treated as if we are infected lepers, simply for not wearing a cloth/surgical mask which has been scientifically proven through countless studies to not be an effective tool against Covid-19. Even Anthony Fauci admitted that masking was largely symbolic. Other psychological and medical experts have cited that the mask does nothing to prevent the virus and is largely used to quell anxiety.



- l) My son and his friends wanted to go to King's Island recently. My son called and asked about the Covid-19 policies. He was told that everyone 2 and over had to wear a mask in the park. He was also told he could wear a plastic shield while walking in the park, but he had to wear a fitted mask when he was on the rides. My son asked about exemptions, and the Supervisor tried to evade the question, stating they were following CDC guidelines. Then she said they had worked directly with the State to create their guidelines. My son pointed out that CDC guidelines and State guidelines provide for exemptions and don't require anyone to wear a mask unless they are ten years of age and older. The supervisor backpedaled and finally admitted it was their company policy. My son asked to see the policy, and specifically, where it said they weren't honoring any exemptions, which of course, the supervisor couldn't provide. I had thought about calling again this week and pointing out that if it truly was their company policy, why couldn't they change their policy to allow people in without masks? Additionally, if someone decided to sue businesses refusing to allow customers to enter without masks, and those businesses couldn't provide a copy of their policies, aren't they using their employees/supervisors/managers as human shields to take the hits for them for potential lawsuits?
- m) I am very concerned about my son and my daughter and forced Covid testing and vaccinations. My son is a University of Dayton-Sinclair Academy student. This means that he will finish his associate degree at Sinclair and then transfer to UD. Unfortunately, UD is already mandating testing and masking with all of their students. This impacts my son because as a UD-Sinclair Academy student, he is considered a UD student as well, and he has access to all of the campus amenities and clubs. However, due to the forced masking and testing policies, he can't participate in any of it.
- n) My kids and I have been harassed, even at places that have publicly stated they are accepting exemptions. We have been asked to produce our "medical exemption," we have been chased through the store by employees/ managers demanding, "where is your mask?!" and we have been made to feel like we are terrible people by managers, employees, and other customers for not wearing masks. We have endured eye-rolling, snide remarks, lectures, sighs, and glares from employees and managers who think we should be wearing a mask. Additionally, I was stared down and followed by a gentleman at Hobby Lobby until I confronted him. I have been called names such as "selfish" and "Karen" by customers, and another customer at a Walmart acted like she was going to run me down with her cart- ALL because I was not wearing a mask. Daily, I deal with anxiety over whether this will be the day I'm accosted by another employee/manager who won't let me in their store. I wonder if there will come a day when I'm prevented from going to the grocery to get food for my family. I worry about my children being harassed and discriminated against at school and at stores by militant mask wearing individuals. I am concerned that they will miss out on scholastic and extracurricular opportunities and experiences (my son already has). In addition, it feels incredibly invasive and threatening to be questioned by security personnel at stores about my lack of a mask.

- o) My youngest son (7 years old) and I were denied entry into Kettering Health Network Urgent Care in Huber Hts. He had injured his toe, which had developed a bad infection. They refused to see us without masks, and they failed to provide a copy of their policy when I requested it. Most common responses I receive from businesses when I request a policy are: "We're in a Pandemic," or "It's posted on the door." However, this isn't true. The policy is not posted on the door, they are referring to a poster with something to the effect of: "Per Governor's orders, masks are required."
  - p) My husband and I have run into employees at restaurants and at our vet's office who have suffered from hives/bumps/rashes and respiratory issues, such as asthma, who are being forced by their employers to wear masks against their will and against their better judgment. I spoke with a nurse and a food distributor at during a shopping trip to Kroger. The nurse said that none of the Covid-19 regulations made sense from her perspective, and masking is harmful; neither she, nor her son were wearing masks in the store. The food distributor (also not wearing a mask) told me that Kroger had requested that he remove his badge, which listed his place of employment if he was going to not wear a mask in their store. This gentleman was not wearing a mask, and he was "off the clock" when we spoke.
  - q) I had to find a new vet, hairdresser, eye doctor, family doctor, health food store- ALL because I don't wear a mask! In summary, pandemic panic has unleashed unchecked governmental power, and it must be stopped. [17]
12. DeWine has stated that his job is to make sure that [Ohioans] don't get sick. That is false, it is absolutely NOT his job to make sure I don't get sick. He is not my Emperor and he is certainly not my God. His job is to make sure that he is preserving and protecting the freedoms of Ohio citizens, and he has grossly failed in his duties to the people.



- 1) <https://abc6onyourside.com/news/local/timeline-of-coronavirus-in-ohio>
- 2) <https://abc6onyourside.com/news/local/gov-dewine-says-ohio-schools-will-have-extended-spring-bring-due-to-covid-19-concerns>
- 3) <https://abc6onyourside.com/news/local/ohio-governor-considering-closing-bars-and-restaurants>
- 4) <https://www.nga.org/consulting-2/powers-and-authority/#role>
- 5) <https://abc6onyourside.com/news/local/march-16-coronavirus-in-ohio-update>
- 6) <https://abc6onyourside.com/news/local/ohio-department-of-health-issues-order-postponing-elective-surgeries-in-ohio-hospitals>
- 7) <https://abc6onyourside.com/news/local/hair-and-nail-salons-barbershops-and-tattoo-parlors-ordered-to-close-by-gov-dewine>
- 8) <https://abc6onyourside.com/news/local/ohio-chief-justice-recommends-safe-release-of-vulnerable-inmates-and-keeping-courts-open>
- 9) <https://ohiostatehousenews.com/2020/05/governor-dewine-suppresses-data-disproving-covid-19-policies/>
- 10) <https://aproundtable.org/news-show-text/where-ohios-covid-19-strategy-went-wrong/>
- 11) [https://wethepeopleconvention.org/articles/Covid-data-update?fbclid=IwAR1fjFljrsFyw-X5BxnG2Bdwq8qm705TBN5V8pac1W2CV\\_vDukQjmD20AZk](https://wethepeopleconvention.org/articles/Covid-data-update?fbclid=IwAR1fjFljrsFyw-X5BxnG2Bdwq8qm705TBN5V8pac1W2CV_vDukQjmD20AZk)
- 12) <https://www.dispatch.com/news/20200420/dewine-pledges-to-release-number-of-coronavirus-deaths-in-long-term-care-facilities>
- 13) [https://www.scribd.com/document/454239257/President-Trump-Letter-Regarding-FEMA-Region#download&from\\_embed](https://www.scribd.com/document/454239257/President-Trump-Letter-Regarding-FEMA-Region#download&from_embed)
- 14) <https://mariettaoh9-12project.com/the-rise-and-fall-of-emperor-dewine/>
- 15) <https://www.statenews.org/post/huge-percentage-ohio-covid-19-deaths-come-nursing-homes>
- 16) <https://www.thegatewaypundit.com/2020/07/cdc-reports-china-coronavirus-mortality-currently-pandemic-threshold/>
- 17) <http://www.ronpaulinstitute.org/archives/featured-articles/2020/march/23/i-am-an-american-constitutional-lawyer-and-i-see-our-government-using-covid-19-to-take-away->

[our-fundamental-rights/?fbclid=IwAR0yjoCeaYVa5vs-ZwFDX6qxRgg3xlPJSfeJAoECcoWZs5tQGdgDrbMNRX0](#)



Affidavit of Jessica Franz

State of Ohio / *Montgomery* County ss:

I, Jessica Franz, being first duly sworn according to law, state that I am legally competent to testify in this matter, and I have personal knowledge of all the facts contained within this affidavit. I am competent to testify as to all matters stated herein:

1. All documents attached to this affidavit are genuine copies of the original and are fully incorporated by reference herein as if fully rewritten herein. All Exhibits referenced and/or attached thereto and fully incorporated by reference herein are all true and genuine copies of the originals and each is incorporated herein as evidence in support of the plaintiff's motion. All documents as was filed in this matter attached to the complaint are also incorporated herein fully by reference by this affidavit as if fully and completely rewritten herein. This includes all documents contained in the Exhibits attached to the complaint as filed for record. All Exhibits referenced and/or attached thereto and fully incorporated by reference herein are in support my individual claims that my Constitutional Liberties, Freedoms and God given, absolute, fundamental, and inalienable Rights have been unconstitutionally infringed upon and denied and/or jeopardized to me as I detail herein.

2. The DeWine, Acton, Himes Orders as have been issued since March 2020 have adversely impacted my Constitutional Liberties, Freedoms and God given, absolute, fundamental, and inalienable Rights.

3. As a direct and proximate result of these unconstitutional orders and their mandated implementation, I have been made to endure: See Attached document.

Describe here every serious incident attributed to the orders and how the orders have impacted your life and your family. See Attached document.

Insert your data here See Attached document.

49. Further, Affiant sayeth naught.

*Jessica M. Franz*  
Sworn to before me and subscribed in my presence this 28 day of August, 2020.  
Public *Jennifer Miller* Notary



Jennifer Miller  
Notary Public, State of Ohio  
My Commission Expires 05-26-2021



## **Affidavit of Kristen Beckman**

State of Ohio /

County ss:

I, **Kristen Beckman**, being first duly sworn according to law, state that I am legally competent to testify in this matter, and I have personal knowledge of all the facts contained within this affidavit. I am competent to testify as to all matters stated herein:

1. All documents attached to this affidavit are genuine copies of the original and are fully incorporated by reference herein as if fully rewritten herein. All Exhibits referenced and/or attached thereto and fully incorporated by reference herein are all true and genuine copies of the originals and each is incorporated herein as evidence in support of the plaintiff's motion. All documents as was filed in this matter attached to the complaint are also incorporated herein fully by reference by this affidavit as if fully and completely rewritten herein. This includes all documents contained in the Exhibits attached to the complaint as filed for record. All Exhibits referenced and/or attached thereto and fully incorporated by reference herein are in support my individual claims that my Constitutional Liberties, Freedoms and God given, absolute, fundamental, and inalienable Rights have been unconstitutionally infringed upon and denied and/or jeopardized to me as I detail herein below.

2. The DeWine, Acton, Himes Orders as have been issued since March 2020 have adversely impacted my Constitutional Liberties, Freedoms and God given, absolute, fundamental, and inalienable Rights.

3. As a direct and proximate result of these unconstitutional orders and their mandated implementation, I have been made to endure the following serious incidents attributed to the orders and how the orders have impacted my life and my family.

4. A little bit further about me, my name is Kristen Beckman. I was born and raised in Metro Detroit, but moved to Ohio in 2014. I have been in Oregon (Lucas County) since 2017. I am 35 years old, married, with two small children, and a dog.

5. I work as a corporate auditor for a fortune five hundred company. In September, I will celebrate my 15th anniversary with the company. I have moved up through several positions, and worked at 2 previous locations. I have held my current title, Specialist-Operations Risk & Compliance, for almost two years.

6. I am a busy body. I like to experience life first hand. I enjoy traveling, hockey, concerts, holidays, date nights, and all of the things we are being robbed of this year. I am also an advocate for medical freedom, which is how I came across the group, Ohioans Against Mandatory Masks, which evolved into Ohio Stands up.



7. I have suffered the following injuries and damages all proximately caused by the illegal behaviors and unconstitutional orders of these state actors Acton, DeWine and Himes.

8. I have arranged chronologically, a timeline as set forth below that is for me the best way to list everything, along with some other points. These are all-encompassing, so they don't really fit into a specific time frame yet emanate from the unconstitutional State orders of Acton, DeWine and Himes. Due to these unconstitutional Orders, I Have Suffered as follows:

- Uncertainty at work. Will I be forced to work remotely? Can I work remotely instead of wearing a mask? How long will I have to continue doing tasks, other than my own workload?
- Anxiety over having to stock up on food and supplies for my family and stay home for weeks at a time.
- Anxiety over DeWine's impending doom each time he pushes off a press conference or foreshadows what's to come next.
- Anxiety over my son being able to start kindergarten in the fall. We don't do computers at his age and want no part of distance learning.
- Anger over the forcing of healthy people to be quarantined.
- Anger over forcing masks on people. What about informed consent? What about a standard to follow? What about proper disposal? What about the satanic symbolism? What about the increased ease of human trafficking when both victims and criminals have their faces covered?
- Anger over psychological warfare being used on society, especially children, to wear masks.

9. Due to these unconstitutional Orders, I Have Suffered as follows in March:

I had called Oregon Schools to see about enrolling my son for the fall, but the person who handled that was on vacation for two weeks. When that time was up, Covid was in full swing.

12th - Work cancelled all travel and I had to begin assisting the local operation at my domicile center.

13th - lockdown and shelter in place began, along with travel bans to other states, or having to quarantine for 14 days upon return.

15th - churches started to cancel. Both our home churches were cancelled.

Restaurants and bars were ordered to shut down at 9 pm.

18th - my husband's day job as a correctional officer at the county was shut down due to Covid.

23rd - 24 hour lockdown and non-essential businesses were shut down until April 6th.

10. Due to these unconstitutional Orders, I Have Suffered as follows in April:

3rd - We missed being able to celebrate my grandmother's 86th birthday, because she lives in Michigan and we couldn't afford to quarantine for 2 weeks off work.

12th - We weren't able to celebrate the resurrection of Jesus Christ in church, or with our families because of the restrictions set in place by the government.



14th - We went to a Sonic Drive-In to get ice cream and they wouldn't accept cash. They told us they couldn't get a truck to take the money to the bank due to Covid.

My son was supposed to begin his first session of learn-to-play hockey, but it was cancelled due to Covid.

Menards started imposing restrictions that no children under the age of 16 could enter their store. So while we are locked in our homes, wanting to complete home improvement projects, we have to get a sitter to go shop?

11. Due to these unconstitutional Orders, I Have Suffered as follows in May:  
The governor mandated masks for all, but flip-flopped quickly on that. Instead, he made businesses require their employees to wear masks. My employer mandated masks for all service centers in Ohio on May 1st, due to the government mandate.  
Costco was the next big store to mandate masks for entry. We have a membership, but stopped going because of the requirement.  
I advised my employer that I would not be wearing a mask due to the exemptions listed in the executive orders, for health reasons. I was told I would have to get paperwork from my doctor, which I did. I worked on the 1st, the 4th, and the 5th with no mask, but was made to sit in the conference room so that no one would see me without a mask. (I normally sit in a cubicle in the main office area). Mind you, I had work without a mask, since this began, taking on the workload of 1-2 employees that stayed home after there was 1 positive case at our work (out of 270 employees). On Tuesday the 5th, I was sent home midday and had to wait through the reasonable accommodation review of my medical paperwork, citing claustrophobia and anxiety. It was 13 days before I was able to return to work on the 18th. They paid me for the first week (I'm salaried), but I had to use up vacation time to get paid for the second week. Upon return to work, I was treated like a leper. The same people I had been around every day, now wouldn't let me come up to their tape lines on the ground and talk to them (with their masks on), but wanted me to call them on the phone.
12. Due to these unconstitutional Orders, I Have Suffered as follows in June:  
Hockey finally was able to start for my son, but they require temperature checks and contact tracing. If we didn't walk up to the counter but just sat down to put his gear on, they would chase us down to take temperatures. One week, they take all of ours. The next, they say they don't have to take our 1 year old daughter's, because she's under 10. But wait! You just took our 4 year old's temperature. Then there's no authentication to the contact tracing. The couple of times I actually was cornered in to doing it, I put partial information or completely made up information. They know who is enrolled in the clinic. This stuff makes no sense.  
About two weeks after President Trump declared churches should reopen, I posted to the fellowship page of our main church, the one that has baptized both our children, and that has just married us last October. They were reopening, but sadly were requiring masks for all to attend. Several members attacked me,



claiming things like I was an insensitive, asymptomatic carrier, who was going to kill grandma. Needless to say, we severed ties with them.

13. Due to these unconstitutional Orders, I Have Suffered as follows in July:  
1st - my husband was finally back to work at his day job, but only getting 12 hours a week, as opposed to the 20 he was getting. And unemployment said they couldn't help that he's losing approximately \$600 a month, because he makes too much at his other job. We were under the impression that if he was losing hours due to Covid, he was eligible.  
20th - I was refused service at Buckeye Cable, even after informing them of my medical exemption. Their solution was to have me place my old modem down and walk outside to wait, in over 90 degree heat. The next day, my husband went in with a mask around his neck and was helped without anything being said.  
31st - I was refused service at Chilly Treats, a walk-up ice cream place, that we have frequented this summer, mask free. All of a sudden, we can't order without a mask, even when I disclosed that I had a medical exemption, AND what the exemption was for.  
This month we also severed ties with the other church we attended over forcing masks. My husband has volunteered at this church for over 5 years, and this particular location for the 2 years since they've been open.  
This month we decided we will homeschool our son, even while we are both working 40+ hours a week.
14. Due to these unconstitutional Orders, I Have Suffered as follows in August:  
2nd - I hadn't gone to Menard's since they quit allowing kids in, but desperate to resolve some contractor issues without driving clear across town again, I went in the morning for paint swatches. My sister and I went in mask free, looked for a while to find the right shade and do some comparing. Since they have one way in and one way out, we walked the long way to go out and I found something that caught my eye, so I took it to the register and checked out without any issues. I was in the store, easily, 15 minutes. When I chose the paint color, I went back to the store. I walked in and all the way back to the paint counter, waited my turn and had the employee mix me up a 5 gallon bucket of paint. As he was working, he told me I had to have a mask. I explained how I was just in there earlier AND I claimed my medical exemption. He told me he wasn't aware of the several exemptions, like that was my problem. Another employee came over, seemingly a manager of sorts, and told me I had to leave. I again explained being in the store earlier and about my exemption, adding that the other employee already had mixed my paint. He just said that I could not be in there without a mask, but that I could buy one of theirs or come in with a face shield, or that I could do curbside pick-up. I just gave it up and walked out.  
3rd - my grandma's brother, the only boy out of 10 siblings, died in New York City. The funeral home only allowed 25 people, and 14 were immediate family. There was no way we could make the 9 hour drive and not even know if we could get in to the funeral home. The only other option was to drive all that way



to go to just the church service, as they allowed 100 people. Going that far, and only being allowed to attend a 1 hour church service, caused us to make the unfortunate decision to stay home.

10th - My son and I both woke up with sore throats, more than allergies and headed straight to the doctor, so we could be there when they would open. Our doctor is an hour away, so I called on the way for the earliest available appointment. The receptionist told me that they can't have anyone in the office with symptoms (mind you we've gone many times because they are naturopathic and chiropractic). I had to have a virtual appointment, which still, by the way, cost me the same amount of money.

16th - The pediatrician's office had an automated call reminder for my children's well check-ups on the 19th. The recording stated that all patients must wear a mask. I called on Monday, the 17th questioning this at a peds office. Both my kids are under 10, and not required by the state mandate. I was advised they could be seen without masks. I then asked about myself being in the office without a mask due to my medical exemption. They first said I could not because I was over 10. After me telling them I was going to cancel and they would not get the money from my insurance company, someone in the background told the receptionist that I was allowed in with my exemption.

20th - I went to the mall for a few things and stopped at Kay Jewelers to have my ring inspected and serviced. It is required every 6 months to keep up the insurance through them. It's already been over that, but I believe they are extending the time due to having been closed and now having limited hours. I was told I needed a mask, to which I replied that I have an exemption. They still wouldn't allow me in. (they have ropes up at each entrance.) I asked what I'm supposed to do then because I have insurance and I'm trying to keep it up and get my ring serviced. The employee ended up helping me from outside the store front. This same day, the dentist office called for a reminder for mine and my son's appointments the following week. I asked about the masks. They stated we have to call upon arrival, stay in our car until they tell us to come in, and wear a mask for the 1 minute walk from the door to the chair. I told them we would not be coming and to cancel our appointments. They asked if I just wanted to postpone. I stated we would not be coming back if they keep up their policy.

15. Further, Affiant sayeth naught.

Kristen Beckman 8/27/2020  
Kristen Beckman

Sworn to before me and subscribed in my presence this 27 day of August, 2020.

Deborah Jao Lucas  
Notary Public



Deborah Jao Lucas  
Notary Public, State of Ohio  
My Commission Expires June 18, 2022



Affidavit of Kirsten P. Hill

State of Ohio / Lorain County ss:

I, Kirsten P. Hill, being first duly sworn according to law, state that I am legally competent to testify in this matter, and I have personal knowledge of all the facts contained within this affidavit. I am competent to testify as to all matters stated herein:

1. All documents attached to this affidavit are genuine copies of the original and are fully incorporated by reference herein as if fully rewritten herein. All Exhibits referenced and/or attached thereto and fully incorporated by reference herein are all true and genuine copies of the originals and each is incorporated herein as evidence in support of the plaintiff's motion. All documents as was filed in this matter attached to the complaint are also incorporated herein fully by reference by this affidavit as if fully and completely rewritten herein. This includes all documents contained in the Exhibits attached to the complaint as filed for record. All Exhibits referenced and/or attached thereto and fully incorporated by reference herein are in support my individual claims that my Constitutional Liberties, Freedoms and God given, absolute, fundamental, and inalienable Rights have been unconstitutionally infringed upon and denied and/or jeopardized to me as I detail herein.

2. The DeWine, Acton, Himes Orders as have been issued since March 2020 have adversely impacted my Constitutional Liberties, Freedoms and God given, absolute, fundamental, and inalienable Rights.

3. As a direct and proximate result of these unconstitutional orders and their mandated implementation, I have been made to endure:

- a. I was denied the right to breath fresh air. Further explanation in e.2. below.
- b. I was denied the ability to fulfill my duties as an appointed member and current vice chairman of the Board of Zoning Appeals in Amherst Township, Ohio. The responsibility of this board is to act and render a decision on Amherst Township property owners' appeal applications. These appeal applications request variances to the regulations of building and land use in Amherst Township as written in the Amherst Township Zoning Resolution. I was appointed to this board in 2007 by the Amherst Township Trustees and have served continuously to the current date, also serving as the board chairman from 2009 to 2018. Further explanation in e.3. and e.5. below.
- c. I was denied the right to earn compensation for performing the prescribed duties of members of the Amherst Township Board of Zoning Appeals. Further explanation in e.3. and e.5. below.
- d. I was unwarrantably shamed in a public meeting in the Amherst Township Hall, 7530 Oberlin Rd., Elyria, Ohio. Further explanation in e.2. below.



e. Below is a description of the incident at the Amherst Township Hall on the evening of August 19, 2020. Paragraphs are numbered for ease of reference.

1. Kirsten Hill, as a member of the Amherst Township Board of Zoning Appeals, entered the Amherst Township Hall before 7 p.m. when a hearing was to take place on August 19, 2020, to consider, act upon and render a decision about a variance application from John Eavenson/Hampshire Farms LLC for a variance to regulations written in the Amherst Township Zoning Resolution.
2. The hearing was called to order a few minutes after 7 p.m. by the Amherst Township Board of Zoning Appeals (BZA) Chairman, Bill Latrany. Latrany asked Hill to wear a mask, which would restrict her right to breath fresh air. A few minutes later Latrany recused board Vice Chairman Kirsten Hill from participating in the hearing because she was not wearing a facial covering. Just before Latrany recused Hill, he unwarrantably shamed her for not wearing a mask by describing that everyone else in the hall was wearing a mask and that another member of the board who was present in the hall had an inoperable health condition, insinuating that Hill was jeopardizing that other person's health because Hill was not wearing a mask.
3. Hill told Chairman Latrany and those assembled that she was healthy and that the mask-wearing requirement was unconstitutional. Hill also stated to Chairman Latrany and those assembled for the hearing they could assume she has a medical condition. Chairman Latrany asked Hill to recuse herself from participation in the hearing. Hill said 'no' she would not recuse herself from the hearing. Chairman Latrany then stated he recused Hill from participation in the hearing. Thus Hill was denied her ability to perform her appointed duties and to earn related compensation as a member of the Amherst Township Board of Zoning Appeals.
4. Just after Chairman Latrany said he recused Hill from the hearing Daniel Samms stood up and expressed that he could not believe [that Hill was being dismissed from performing her duties on the Board that evening], that this [recusal by Chairman Latrany of Hill] was happening in the United States for Hill not wearing a mask [in the Amherst Township Hall]. Samms owns property adjacent to the Hampshire Farms property thus he had received notice and an invitation to attend the hearing at the Amherst Township Hall on August 19, 2020.
5. After Daniel Samms spoke, and as Chairman Latrany, Amherst Township Trustees, other Board of Zoning Appeals members, John Eavenson, adjacent property owners and other township officials observed, Hill gathered the variance application papers, the Amherst Township Zoning Resolution binder (issued), left her seat on the podium and exited the Amherst Township Hall several minutes after 7 p.m. on August 19, 2020. Thus Hill was denied her ability to perform her appointed duties and to earn related compensation as a member of the Amherst Township Board of Zoning Appeals.

6. The hearing proceedings on John Eavenson/Hampshire Farms LLC zoning variance application took place on August 19, 2020, without Hill being present.
  7. A video of the hearing on August 19, 2020 was being recorded by Georgianne Lynch, assistant to the Secretary of the Amherst Township Board of Zoning Appeals.
4. Further, Affiant sayeth naught.

Kirsten P. Hill

Kirsten P. Hill

Sworn to before me and subscribed in my presence this 29<sup>th</sup> day of AUGUST, 2020.

Robert J. Dargatz

, Notary Public

~~ROBERT JOHN DARGATZ, Attorney at Law~~  
Notary Public, State of Ohio  
My commission has no expiration date  
Section 147.03 R.C.

**Affidavit of Eric J. Calderaro**

State of Ohio / Clermont County:

I, Eric Calderaro, being first duly sworn according to law, state that I am legally competent to testify in this matter, and I have personal knowledge of all the facts contained within this affidavit. I am competent to testify as to all matters stated herein:

1. All documents attached to this affidavit are genuine copies of the original and are fully incorporated by reference herein as if fully rewritten herein. All Exhibits referenced and/or attached thereto and fully incorporated by reference herein are all true and genuine copies of the originals and each is incorporated herein as evidence in support of the plaintiff's motion. All documents as was filed in this matter attached to the complaint are also incorporated herein fully by reference by this affidavit as if fully and completely rewritten herein. This includes all documents contained in the Exhibits attached to the complaint as filed for record. All Exhibits referenced and/or attached thereto and fully incorporated by reference herein are in support my individual claims that my Constitutional Liberties, Freedoms and God-given, absolute, fundamental, and inalienable Rights have been unconstitutionally infringed upon and denied and/or jeopardized to me as I detail herein.
2. The DeWine, Acton, Himes Orders as have been issued since March 2020 have adversely impacted my Constitutional Liberties, Freedoms and God-given, absolute, fundamental, and inalienable Rights.
3. As a direct and proximate result of these unconstitutional orders and their mandated implementation, I have been made to endure the following:
4. We The People of Ohio, including myself and my family, have been more than patient, understanding, flexible and cooperative with the deprivation of our inalienable rights and freedoms under the guise of safety and security from COVID-19, and we have embodied the American goodwill of sacrificing for our fellow Americans; and we did so even to the detriment of our own health, welfare and being able to provide basic necessities for our own families. Come to find out, Governor DeWine, Lieutenant Governor Husted, former Director of Health, Amy Acton, and current Interim Director of Health Lance Himes, all breached public trust with an abundance of serious constitutional violations and criminal acts, not the least of which was and continues to be, their illegal suppression, manipulation and presentation of incomplete, misleading and false COVID-19 data and models which they use as justification to deprive us 11.7 million Ohioans of what were supposed to be our inalienable rights and freedoms under the Ohio and U.S. Constitutions; rights and freedoms for which millions of Americans died defending.
5. The State of Ohio's actions have wreaked havoc, turmoil, angst, anxiety and undue stress upon me, my entire family, and all 11.7 million Ohioans. These baseless orders have affected my family and me in numerous adverse ways in a multitude of situations. For five months and with no end in sight, the State of Ohio has acted with impunity by depriving my family and me of our once guaranteed constitutional rights and freedoms. "Somewhere a perversion has taken place. Our natural, unalienable rights are now considered to be a dispensation of government, and freedom has never been so fragile, so close to slipping from our grasp as it is at this moment." While Ronald Reagan said this in 1964, his words are sadly, befitting of today. I often have conversations with my children asking the same questions Reagan asked in 1964, "Whether we believe in our capacity for self-government or whether we abandon the



American revolution and confess that a little intellectual elite in a far-distant capitol can plan our lives for us better than we can plan them ourselves.”

6. As Samuel Adams wisely stated, “It does not require a majority to prevail, but rather an irate, tireless minority keen to set brush fires in people’s minds,” because “security without liberty is called prison.” (Thomas Jefferson).

7. This is my story, my stand for the truth and justice against the State of Ohio.

8. My primary goal in life, the one thing that brings me the most fulfilment in life, my overall sense of purpose in life, is to provide for my family and ensure their happiness, safety, security and overall wellbeing. There is nothing more important in my life than my family. Seeing my family suffer mentally, emotionally, physically and financially for five straight months due to the State’s unnecessary, egregious, deceptive, callous, irrational, hypocritical, unconstitutional and criminal actions has negatively impacted my overall health, my once positive outlook for the future of my family, and caused me to be disillusioned about the state and country that I have loved ever so dearly my entire life. The State has shredded the once high esteem I held it in, and the State has caused me to see what I can now never unsee – how un-American it has become. The State is killing my patriotic American spirit – which for me, is worse than death. My last beacon of faith is our Judicial Branch.

9. My wife, Tara L. Calderaro and I have two children. I am my children’s step-father and have dedicated my life to loving and raising them for the past 14 years. Our 24 year-old daughter, CHILD 1 and 17 year-old son, CHILD 2 are both on the Autism Spectrum (high functioning).

10. I realized early on during the COVID-19 crisis that the cure was indeed far worse than the disease. And as a result, I witnessed my family suffer never-before-experienced levels of anxiety, sadness, depression, disillusionment and deep raw emotional pain that I would not wish on my worst enemy. Since that time, I have fought tirelessly on every level possible, to bring attention to these facts and to return my family, our community, our state and our country back to the old normal. I have repeatedly reached out to my elected officials and law enforcement at the local, county, state and federal levels via phone, email, social media and in person; all of which has been to no avail. I became so desperate that on April 18, 2020 I humiliated myself out of the love for my family, state and country, by literally begging Governor DeWine and Lieutenant Governor Husted in an email as follows:

11. Dear Governor DeWine & Lieutenant Governor Husted,

12. Did you know the 2017-2018 annual flu in just the U.S. infected 45 Million with 61,000 deaths, and that was the worst flu season since the 2009 H1N1 pandemic which infected 61 Million? And that was with a readily available flu vaccine, which is only 40%-60% effective according to the CDC. If a vaccine wasn’t available, we would have had 51 MILLION cases and 66,700 deaths in 2017-2018 according to the CDC.

13. I wonder how different our country would have been during 2017- 2018 if every day, we were fed stats on infection and death rates as we are fed now with COVID-19. Now thinking about it, the infection rate in 2017-2018 was more than 67 times higher and death rate twice as high as COVID-19 is today, so why the disproportionate response now vs. then? It’s sad that the flu victims in 2017-2018 received virtually no additional government assistance, no media coverage of their stories of suffering or stories of medical heroes, no public outcry, no freedoms were taken away.

14. Don't all lives matter? And if so, why does it now seem that the lives and freedom of the 11.6 MILLION Ohioans matter less, including the nearly 1 MILLION whose livelihoods have been destroyed with unemployment, which will undoubtedly have grave consequences, the 46 MILLION suffering from mental illness and the 19 MILLION with a substance abuse problem?

15. My family is suffering greatly, just like all Ohioan families. My 2 children have autism, anxiety and depression. Their entire lives have been turned upside down. Do you have any idea what happens when you significantly change the routines of autistic children? I hope you are blessed to never have to witness, parent and feel helpless watching your children repeatedly cry, scream, panic, have outbursts that last for literally 4 hours non-stop, have sleepless nights, have an empty look in their eyes all day with all hope lost because their routines have not only changed, but they are in a limbo state awaiting your next decisions as to when they can return to their beloved schools and friends – the only things that allowed them to feel normal.

16. We, like all Ohioans, have been more than patient, understanding and cooperative with the lockdown in every way; even to the detriment of being able to provide basic necessities for our own families. And yet you continue to plod forward as if your grossly flawed prediction models weren't flawed at all, as if the reality of what is actually happening to ALL 11.6 MILLION Ohioans, should play no role at all in the decisions we make going forward.

17. The negative impact this unnecessary continued lockdown is having on my children, like all children, especially those with special needs like mine, will never be able to be undone and will last a lifetime; and the effects progressively worsen each day you keep us waiting with baited breath to have our freedoms completely restored and life returned to normal.

18. And now you push masks. Do you have any idea how some children, like mine, respond when having anything forced over their face like a mask? Watch children with autism and learn about how they need to "stim" to deal with anxiety; some go so far as having to bang their heads against walls when anxiety is so great. Now you want me to put my autistic children in that position by forcing them wear masks? Whether or not you mandate it makes no difference because you clearly know by strongly urging (i.e. forcing) businesses to implement masks, they will soon require it of their customers. My children cannot wear masks; therefore they will be discriminated against because their access to the normal freedoms all other Ohioans enjoy (shopping, movies, etc.) will become extremely limited to only those businesses brave enough to act with common sense and let us Ohioans determine what to place on our faces and when.

19. I beg you, for the mental, physical and emotional wellbeing of my children, of all Ohio families, to end this lockdown and return us to normal life immediately and allow us the freedom to live with voluntary common sense measures. Forcing us to live in fear with some slow phased in approach for the next 18 months until a vaccine comes, as if a vaccine is a miracle cure, is completely un-American, as is the thought of any government attempt to mandate vaccines for adults. I know other State Representatives, including Nino Vitale agree, and his letter to you is attached herein for reference.

20. Our American courage to live free has often reminded us that freedom comes with inherent risks, including fear and death. My compromised immune system (I have emphysema) should not take precedence over your freedom, just as my freedom should not end where your fear begins."

21. And sadly, to no surprise, I received no response of any type.

22. My family and I all qualify for medical exemptions from masks. I have emphysema, asthma and anemia. Placing a mask over my face for any length of time makes it difficult for me to breathe, causes

me to feel like I'm gasping for air, I become lightheaded and dizzy causing me to have to be seated or lie down and I have to use my inhaler. The State's COVID response has caused me to experience unending stress from the moment I awaken until I go to bed. My sleep is not restful, I often awaken in night terrors. My Irritable Bowel Syndrome (IBS) and Gastroesophageal Reflux Disease (GERD) have worsened greatly.

23. Were it not for the governor's mask mandate and continued inducement of panic to all Ohioans over a virus with a 99% survivability rate that primarily impacts select members of our population, my family and I would not be deprived of our constitutionally guaranteed freedoms as outlined under Article 1 Section 1 Bill of Rights of the Ohio Constitution which guarantees that "All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety."

24. Prior to the mask mandate, enjoying the simple basic freedoms to go retail shopping, leisurely walks, hikes in the parks, the zoo, museums, which we enjoyed as a family, husband/wife and/or individually at least once or twice per week. Those activities provided us an opportunity to bond as a family, enjoy new experiences, meet new fellow members of our community, were critical to the psychosocial development of my children, it brought me and my family a tremendous sense of happiness, and we could do so in relative safety. However, since the governor's mask mandate and the State's continued inducement of panic to most Ohioans, including retailers, we have been deprived of these freedoms because all retailers now require masks, many retailers will discriminate against us by not honoring our medical exemptions from masks, and even when they do honor our medical exemptions, it's often at the expense of having to endure public ridicule and shaming as well as demeaning and/or aggressive behavior towards us by store employees and customers and we feel our safety is now at grave risk.

25. This causes my family and I to needlessly suffer extreme anxiety at the mere prospect of having to leave our home for any reason. Because of the amount of anxiety my family and I have due to the State pitting mask-wearers against non-mask wearers, and the fact that everyone in my family is medically exempt from the mask mandate, my family and I are deprived of the same constitutionally guaranteed rights and freedoms as other mask-wearing Ohioans enjoy. To avoid the extreme negative experiences and risks to our personal safety mentioned previously, my family or I no longer go out for any leisure activities. We only go out for essential items/services.

26. So, while the State's mandated house arrest has ended, its psychological arrest on the mental and emotional health of myself and my family continues unimpeded. The State's intentional divisive and panic inducing rhetoric has real life impacts to the average Ohioan like me and my family. Examples of such language include:

- [05/04/20 DeWine Tweeted](#) "There are legitimate reasons why some may not be able to wear one [mask] in a store, but the fact remains that when you do – you're saying that you care about other people. We're going to do everything we can to get that message across."
- [05/07/20 DeWine Tweeted](#) "You have it within your power not only to impact your family but other families as well. You might not be concerned with what happens to you, but you should be careful for others. Wear a mask for others."



27. It's what DeWine did not say that is just as big of a concern which is - what are Ohioans with ADA protected medical conditions, conditions which prevent them from wearing a mask, saying by not wearing a mask in a store? The State is clearly and blatantly creating an unhealthy and unsafe divide between Ohioans who wear masks versus those that can't, and by default they are demonizing and ostracizing Ohioans with ADA protected medical conditions like my family and I. Additionally, DeWine made it clear that if you don't wear a mask that means you don't care about yourself, nor care about others.

#### **COMMUNITY CONFRONTATIONS**

28. Due to our medical exemptions from masks, we have endured several shopping trips where we have been verbally harassed, shamed, physically assaulted, been the subject of eye rolls, disapproving head shakes, glares, refused service and dehumanized. We have been told to stand outside and offered ridiculous alternatives to masks, furthering our point of view that masks are for compliance only and not for safety.

#### **COSTCO – Mason, Ohio**

29. In addition to the medical exemptions outlined in DeWine's mask orders, Costco specifically provides a medical exemption on their website which reads as follows: "To protect our members and employees, all Costco members and guests must wear a face covering that covers their mouth and nose at all times while at Costco. This requirement does not apply to children under the age of 2 or to individuals who are unable to wear a face covering due to a medical condition."

<https://www.costco.com/covid-updates.html>. Tara and I have been Costco members together since about 2006, and my Costco membership started back in 1995. In fact, I worked for Costco for a winter season while in college back in about 1996. For most of the shopping trips documented below for all retailers, I have them video recorded on my device. The current atmosphere of government-sponsored COVID fear, panic, misinformation and government-sponsored societal division pitting mask wearers versus non-mask wearers, has resulted in increasing reports across the country of harassment, shaming and in some cases violence by masks wearers onto non-mask wearers. So, I feel compelled to secretly record my shopping trips just in case, God forbid, something was to happen. After all it's my unmasked word versus the word of those in the majority who are masked, and I don't ever intend on being a victim of any false allegations that I said or did something wrong. So, I want video evidence on my side.

#### **COSTCO - July 6, 2020 – Recounted by Tara**

30. We entered into Costco, with our medical exemption to allow us to shop maskless. We decided to stop by the optical department first, because Eric, our daughter and I are all in desperate need for updated eye glass prescriptions and glasses. The woman behind the counter in the optometrist's office said very rudely "Where's your mask?" Eric said, "We have medical exemptions." She said rudely "Both of you?" Eric and I said "Yes". She stated, "You need to wear masks." Again, we stated we have medical exemptions. I then asked, "I take it that means we would need to wear masks during the eye exam as well?" Both she and the optometrist, who was sitting literally 3 feet from me both said in unison "Yes". I said, "Okay then, well, that isn't going to work because I can't breathe in a mask. Thanks anyway." Eric and I proceeded to walk away. That event was so belittling, that we were both angry and I was distraught. That woman made us feel like we were walking disease. As I was pushing the grocery cart, I accidentally crashed into the signage advertising a TV. When I glanced up to see if anyone had witnessed my less than graceful cart maneuvering, I saw a woman standing in an aisle, watching us, approximately 20 feet away. Eric noticed her as well. So, we made an off-handed joke about my bad cart steering and driving. The woman looked at us and said, "I am not concerned about that. I am more concerned that

you both don't have masks on." Eric said to her, "Maybe you shouldn't be so quick to judge. Did you think that maybe there is a reason we can't wear masks? We have medical exemptions." As we proceeded to walk away, which entailed walking past her, she started to back up. I looked at her and said "Relax lady. You're safe." Eric and I had to go to another aisle and take a minute to regroup. Two back to back negative encounters is taxing. At that point, I was teary-eyed from the sheer frustration and exhaustion of the situations. Basic shopping should not evoke a fight or flight response.

**COSTCO - July 13, 2020 and July 21, 2020 – Recounted by Tara**

31. On two separate occasions, we were rudely questioned when entering Costco. As per usual, Eric shows the membership card and walks on the side closest to the door attendant. I walk on Eric's other side and push the cart. As Eric shows the membership card, we are asked "Do you have masks?" Eric clearly and very audibly states, "We have medical exemptions." At which point, the door attendant asks in a condescending tone, "Both of you?". Eric replies "Yes, BOTH of us." To be questioned rudely, in front of other customer's is unnecessary and demeaning. Eric's voice is loud and clear. There is no reason that the door attendant needs to clarify both of us, unless they lack command of the English language and are unfamiliar with the word "we". Which, given the fact that these same door attendants on other occasions, have not had to clarify the word we, I find that unlikely.

**COSTCO - July 30, 2020 – Recounted by Eric**

32. My son, who has autism, and I entered Costco without masks. I said very politely, "How you doin'?" as I showed my membership card to the two Costco employees (male and female) screening at the door. The male employee said, "You've gotta have masks." I politely said, "We have medical exemptions, thank you." The male employee said, "What?" His tone was clearly one of not believing me, rather than a way to indicate he didn't hear what I had to say. And there was at least one other customer standing near me observing the encounter, which certainly only heightened the level of anxiety my son already felt. So, I politely repeated again by saying, "medical exemptions." He said "Okay" in a sarcastic condescending tone and clearly rolled his eyes at us. It was impossible to not see his eye roll, as his eyes were about the only thing we could see on his face given he was wearing a mask. Being that I was with my son who has autism, and he feels abnormal and ostracized as it is for just being himself, the last thing he needs is further reinforcement of his differences by some employee mistreating him with a sarcastic condescending tone and eye roll for not being able to wear a mask. So, I said to the male employee that "the little eye roll is not appreciated, thanks" and as I did that the male employee waived his hand to shoo us away. I then said to him, "You should not assume. That's the problem in our society people assume the wrong thing. Look at the law it's got 13 exemptions. You should know them if you're going to try and enforce it." The employee muttered something I could not understand, and we then walked away and began shopping. My son said he saw the employee's eye roll and said his (my son's) heart was still a mess inside with anxiety as a result. I did the best I could to reassure him and let him know it's ok to respond back to someone who is being rude to him.

**COSTCO - August 6, 2020 – Recounted by Eric**

33. When Tara and I shop anywhere we wear our patriotic freedom themed t-shirts which we design, have printed and we sell as part of our small business. As we approached the Costco entrance, Tara and I recognized the employee, John from an encounter we had about one month prior. During that prior encounter when we entered and John said we needed masks, I politely advised him we both have medical exemptions. He challenged us and did so in a rude, condescending and loud manner by stating, "both of you!" I said yes as we continued entering Costco unobstructed and without delay.



34. As Tara and I tried to enter Costco August 6, 2020, in an effort to do all we could to avoid any issue with John and just shop in peace, when I showed my membership card, I was certain to be extra friendly to John by stating, "How you doin' my friend. We have medical exemptions." Normally that's all that is ever required, and we are allowed in without delay or having to stop for any reason. However, as we attempted to enter like every other customer, John lifted his right arm in front of me while simultaneously placing his right hand pushing into my stomach to stop me from entering. I immediately stopped, shocked and appalled at his actions. I immediately told him that he didn't need to touch me, nor did he need to try and stop me. He said I was blocking him in some way (which made no sense). I told him he didn't need to touch me, and he could simply say "excuse me" if he needed something from me. I asked him why he was trying to stop me. I reiterated how I didn't understand why he was physically touching me. John said I was blocking him from seeing Tara's cart as we entered. This made no sense, as there was no reason to screen an incoming cart – no one steals anything *entering* the establishment. I asked him why he didn't just simply say "excuse me sir" and I would have known to stop, and why did he have to touch me? He then said, "I'm sorry my hand touched you." As we were standing there, there was at least one other customer observing our encounter. John still did not permit us to enter as evidenced by the fact he was still standing in front of us blocking our entrance. However, during that time John did find the time to screen and allow entry to other incoming customers who walked right by us. This was humiliating to us. Because we were not wearing masks due to medical exemptions which I clearly announced to John, John discriminated against us by not allowing us entry and then proceeded to assault me by placing his hand into my stomach.

35. I then asked John what he was looking for in our cart. He said he was looking to see if there was something underneath Tara's purse which was inside the cart, or empty boxes, empty bags and "stuff like that." I told John that next time I would appreciate that if he needs something to say, "Hey sir excuse me." I advised him that I didn't know he was trying to stop me. I explained that I've never had an employee actually stop me and put his hand out to physically touch me, and I said, "I don't understand." John said, "sorry I touched you." I said, "thank you." Despite my wife and I being humiliated, discriminated against and me being assaulted, and despite being extremely angry and anxious inside as a result, I remained calm, composed and overly polite over the 1.5 minute encounter. And Tara didn't speak a word.

36. I then went to report it to an on duty manager named Reggie and continued to video record. Reggie said John should not have touched me or made any contact with me whatsoever, and John should have stopped when I said we had medical conditions. I told the manager if employees are worried about a virus, that last thing they should be doing is touching me. I explained how we have been hassled at the entrance several times in the past, and how I didn't come complain prior because I don't want a hassle. I just want to shop in peace. Reggie apologized numerous times and thanked us for bringing it to his attention.

37. After we completed our shopping, I wanted to find out what was found out and done about our incident. We went to find Reggie, however he had left so we spoke to another manager, Justin. Justin said he saw the video tape and hadn't talked to John yet. Justin said from what he heard second-hand from Reggie, John was trying to see our membership card which is why he stopped us. Tara and I both told Justin that is incorrect, and makes no sense as I was standing closest to John and showing my membership card which covers for the both of us entering, and when I asked John why he stopped us he said it was to look for boxes in our cart not, to double check our membership card. I explained to Justin that our medical conditions may be invisible but that doesn't mean we don't have them. I also brought up the example of my son who has autism and was hassled in our prior visit and how it is very

judgmental for employees to behave this way. I explained that if Costco is going to try and enforce the mask mandate, they need to be aware and honor the 13 exemptions in that mandate. I told Justin that I would appreciate if he talks to his staff. Justin went on to vent and say that he is having the conversation “more and more” with his employees to not touch people. Justin said he cannot believe he has to tell grown employees to stop touching people and explain that some people would give a “butt whooping” for touching them. Justin also said he’s coached his staff that they are not the “mask police.”

38. There was no rational reason for John to do what he did. It’s clear he simply wanted to harass us and physically assault me because he didn’t like us exercising our rights in accordance with the state mask mandate and in accordance with his employer’s corporate policy to honor medical exemptions.

**COSTCO - August 17, 2020 – Recounted by Eric**

39. While walking in Costco keeping to myself, an elderly woman wearing a mask only half on (only covering her mouth but not nose) confronted me and said, “Where’s your mask?” I replied, “Ma’am, where is your ability to not make assumptions about the fact I have a medical condition?” She interrupted me and said, “to come in here you need a mask.” I said, “not when you have a medical condition. Did you take a look at the governor’s orders because they have 13 exemptions?” She said that she did. I said, “apparently you didn’t read them.” She said, “you just wanted to be a smart ass.” I explained to her that the problem in our society is people like to assume. And then a male customer who was not a part of the conversation nor did he appear to be with the woman, yelled at me, “Oh shut the fuck up!” The woman then said, “You want us to get it [COVID] from you!?”

**AUTO ZONE – Mason, Ohio - August 4, 2020 – Recounted by Eric**

40. Our daughter’s car broke down at the home of one of her pet-sitting clients. Her battery had leaked and was smoking. I removed the battery and Tara and I went to Auto Zone to get a new car battery to repair her car. Upon entering Auto Zone, the woman at the counter motioned that we needed masks. I said, “we have medical exemptions, thank you.” Her facial expression was one of disgust. She said we needed to talk to the male employee who was just entering from outside. To mitigate the chances of any issue, I was extra friendly to the man by saying, “Hi my friend, how are you?” He asked us if we had masks. We said, “we have medical exemptions, thanks.” He said “because it’s private property, we still don’t...we have to have something of some kind.” I politely explained the ADA and the mask order has 13 exemptions. He said, “I understand, I also know it’s called peddler’s privilege. I’ve done all my research.” I again tried to explain how he was going to enforce the mask mandate but ignore the 13 exemptions within that mandate. He then stated, “I can’t wait on you cuz I have...unfortunately I’m one of the ones that can die from this, so I won’t wait [serve] on you.” That was the end of the interaction. We were left standing there momentarily, embarrassed, humiliated, dehumanized and discriminated against while holding our daughter’s leaking car battery and offered no options to resolve it. Another male employee (Billy) spoke up and said he can offer curbside pickup and he could help us outside. We took care of the battery using curbside pickup, and had Auto Zone informed us of this option from the outset, we could have avoided the entire situation. While outside Billy said we could return to have our daughter’s charging system checked given her battery leaked and smoked. I thanked him and advised we would return shortly.

41. After replacing the old battery with the new one, about one hour later we returned to Auto Zone. We went inside to ask for Billy. As soon as we walked in a male employee rudely motioned to me to put a mask on. I told him we have medical exemptions and he should ask me first before assuming anything. The female employee at the counter said Billy was in the restroom. She then offered us what I can only

described as a failed attempt at a “mask” and explained it as follows, “we just have like little paper things to hold in front of your face.” She then reached her visibly dirty greasy hands underneath the cash register and pulled out an 8.5”x 11” piece of floppy paper taped to a popsicle stick and offered it to us saying, “just so you can be in here.” We were expected to walk around the store while holding this in front of our face. She offered this as some sort of mask substitute, as if a piece of paper on a popsicle stick would do anything except further humiliate, degrade and discriminate against us. Despite this abhorrent treatment, we remained polite and said we will wait outside for Billy.

42. The female employee who offered us the popsicle stick “mask” came outside to check the car’s charging system. She did not seem worried about any virus considering she rubbed her eyes with her fingers, repeatedly adjusted her mask, pulled her mask down at one point to wipe her face with her hands. The mask is clearly not about a virus – it’s about compliance.

**DSW (Designer Shoe Warehouse) - Mason, Ohio – August 17, 2020 – Recounted by Eric**

43. As Tara and I entered, Chris, the same employee that mistreated Tara a couple of weeks prior, said “get you a couple masks.” I replied, “we have medical exemptions, thank you.” He replied, “Oh well, the building said masks are required.” I said, “Sir don’t give us a problem, unless you want to violate ADA. The law [mask mandate] has 13 exemptions. Do you not know them?” He replied, “if you don’t want to wear a mask then you can shop at home” and he motioned for us to leave while saying this. I replied, “no, that’s not a reasonable accommodation, so we’re going to continue to shop.” Chris then said to his staff, “call the police.” This was humiliating and degrading, especially given the fact that 2 other DSW employees (Jason and a female) along with at least one other female customer were observing our encounter. It’s as if Tara and I are dangerous animals on display at some circus for all spectators to gawk at. Despite this feeling, Tara and I remained polite and simply proceeded to shop.

44. While at the register to pay for the shoes, we spoke to Jason; the same Jason that helped Tara during the last visit. Tara asked Jason if Chris was a manager and explained how we felt Chris accosted us when we walked in. Despite the fact Jason was standing and watching us interact with Chris as we entered, Jason said he didn’t know what had happened exactly. Tara explained this was the second time she had been given a hard time by Chris and she explained the incident on July 29<sup>th</sup>. Tara and I then both explained how we have medical reasons why we cannot wear a mask. Tara explained as she began to cry, “I don’t think I should be coming in here and having to have a panic attack because I’m going to be accosted” by an employee for just buying a pair of shoes. Jason said the mask requirement is a company policy. Tara asked, “is it a written company policy that I can see?” Jason said it is a written policy but he “does not have the policy available.” I then asked, “what about people who have ADA protected medical conditions?” Jason hesitated and said, “I don’t have the answers that to be honest with you.” We explained we should be treated like normal fellow citizens and like regular humans, rather than treated as lepers and being rude and confrontational, and refusing to serve us. We also explained how we feel discriminated against for being denied the same freedoms everyone else gets to enjoy, which are constitutionally guaranteed, simply because we have medical conditions that exempt us from wearing masks. I then asked Jason about the fact Chris said we should shop online or at home. Jason said, “that’s not what he should have said. I apologize.” I then asked, “what should he have said.” Jason replied, “he shouldn’t have said you can shop online.” He said, “that’s an idea that’s a suggestion.” In that moment “we could have worked through that conversation a little better.”



**HOT TOPIC – Cincinnati, Ohio July 13, 2020 – Recounted by Eric**

45. We have shopped at Hot Topic for over 12 years for our children. It's their favorite store. Hot Topic denied Tara and me entry for not wearing a mask, despite the fact we told them we have medical exemptions. The employee manning the door even recognized us for having shopped in there so often. That didn't matter, we were still treated rudely as if we were subhuman. We advised them by refusing to allow us entry after having informed them we have medical exemptions, it's clear discrimination. The employee didn't care, and just cited it's corporate policy. Hot Topic did not offer any options or accommodations for us to shop. It was only after I insisted Hot Topic provide some type of reasonable accommodation, did the employee say he can shop for us and bring things to the door. The employee began to ask us questions as to what we were looking for – what theme or genre. We explained that we don't have anything specific we are looking for since our children like almost everything in the store, and we don't know what is available in the store to purchase. The employee asked, if we wanted him to bring up a mug or a t-shirt or a blanket, etc. And again, we said we didn't know we had to shop around to determine what we wanted. We explained that typically we spend one hour or so shopping in Hot Topic trying to find the perfect gifts for our children. He then responded in a rude, sarcastic, snarky fashion, "do you want me to just bring everything up, because I can for you, if that's what you guys want?" Realizing that was not reasonable either, and nor would he do it even if we asked, we then spent several minutes providing constructive ideas for reasonable accommodations to the Hot Topic employee.

**TARGET/CVS Pharmacy, Milford, Ohio – Recounted by Tara**

46. I, my husband, and our daughter have each had issues with our pharmacist regarding our lack of masks. Each time we go in to pick up prescriptions, we are given the third-degree as to why we don't have masks on and why we should have masks on. It has gotten so bad, that our 24-year-old daughter will not go to pick up her medications because she simply can't tolerate the barrage of questions and condemnation from the pharmacist. I have had numerous encounters with the pharmacist myself. The pharmacist had the audacity to bring up my daughter's asthma and say that that is a reason why our daughter should wear a mask. My daughter has asthma that causes her blood oxygen saturation to be around 85% on a good day. The last thing she needs is to be masked and deprive her body of even less oxygen. It is ridiculous to have to be subjected to discrimination, lectures, and propaganda when all we simply are there to do is pick up medicine.

**TARGET – Mason, Ohio - July 30, 2020 – Recounted by Eric**

47. Target or Lowe's are no longer pleasant experiences, as they induce unnecessary panic for my son with Autism. Due to DeWine's continual panic inducement and his constant mask up commercials that are even on the kids shows on YouTube that my son watches, my son has become an even bigger germaphobe. Sometimes it's so bad that my son is too afraid to even go outside in our yard worried he will get COVID from breathing fresh air. When he does have the courage to go out shopping, he gets bombarded with this Orwellian psychological manipulation that is so intrusive and so loud. Because we're in a relatively small indoor enclosed environment in Target and Lowe's, the loudspeakers are of a volume similar to how loud it sounds at a sporting event. And for kids with Autism their hearing is often over-sensitized, and they can't handle extreme noises. This just further induces panic and overall anxiety for everyone especially kids like my son.

48. Here's what the 15-second announcement over loudspeaker says, "Thank you for shopping with us today. Our first priority is the health of you, your families and our team members. So, we'd like to remind you that due to local ordinance, wearing a face mask is required while shopping. And remember, please keep a distance of 6 feet from those around you while you shop and at checkout. We appreciate your understanding."

**LOWES – Mason, Ohio - July 30, 2020 – Recounted by Eric**

49. Shopping with my son, we endured the same psychological manipulation as we experienced at Target a little while earlier. Lowe's manipulation began with 3 loud beeps then a 35-second announcement over loudspeaker saying, "At Lowe's safety is a priority for our associates and customers. Please remember to maintain social distancing of at least 6 feet, wash your hands frequently and cough into your elbow. We are committed to your safety while visiting our store. We continue to resupply our store daily with product inventory to ensure you have the items you need, though some items may be limited. We appreciate you visiting Lowe's and look forward to seeing you again soon. Have a Lowe's safe day."

50. During these past five months, I have watched my family's mental state go from happy and optimistic to pensive, tired, anxious, depressed and angry. I have seen the light and excitement for life fade from my children's eyes. For what? For a virus that most of us need a test to know if we even have it. For a virus that has a 99% survival rate. For a virus that has been egregiously mismanaged and misrepresented by the State. I have provided some additional background information on my family to help the Court understand further how the State's actions have harmed my family, which in turn harms me. Nothing is worse than being a parent and being helpless as your children fall victim to unjustified, illegal and unconstitutional government orders that negatively impact your children's overall health, their entire way of life and their futures.

**CHILD 1 - DAUGHTER**

**51. EDUCATION**

- Our 24 year old daughter was attending Sinclair Community College in Dayton. When the colleges closed it progressively and severely negatively impacted her educationally, personally, emotionally, and socially.
- Due to the mandated masks, our daughter will no longer be attending college because she cannot wear a mask all day long. Our daughter has been pursuing her lifelong dream of becoming a veterinarian/animal behavioralist, and she needs in-person classroom instruction. Her career goals have been ripped away from her.
- Additionally, she was considering transferring to The Ohio State University and she has since changed her mind based on the fact the school requires mandatory COVID-19 testing, which is a clear invasion of a right to privacy and bodily autonomy.

**52. HEALTH/MASK**

- Our daughter cannot wear a mask due to the following medical issues:
  - high-functioning Autism (previously known as Asperger's Syndrome)
  - severe asthma, which limits her oxygen level to about 85% on most days

- severe allergies, which results in chronic nasal/sinus congestion prohibiting her ability to breathe in and out of her nose
  - deviated septum
  - anxiety
  - depression
- She has had adverse physical reactions to wearing masks.
  - She had to wear a mask for longer than a few minutes during a food pick-up for Door Dash and she became nauseated, flushed, and dizzy. By the time she got back into her car (she had already taken her mask off), she became physically ill, vomiting all over her car and herself. She had to come back home to change and rest for the remainder of the day.
  - She developed a sinus infection, which we believe is a result from wearing a mask.
  - She suffers headaches if she has to wear the mask for more than a few minutes at a time.
- Our daughter cannot wear a mask while shopping, etc. She cannot wear a mask for more than a few minutes before she begins to feel ill. Therefore, she uses her right to medical exemption when shopping, except that it has become so anxiety provoking for her, that she will not go shopping alone, for fear of backlash, shaming and physical and verbal assault.

**53. EMPLOYMENT/FINANCES**

- Our daughter works for Door Dash and she's required by each restaurant to wear a mask when picking up food. Despite being very unhealthy and unsafe for her, she has no choice if she wants to continue to earn a living and pay for her bills. She wears the lightest and smallest mask that I could make for her, so she can simply comply.
- She was impacted financially. Her primary job is a pet sitter. While her clients were all on lockdown, she was not needed and therefore had no work. Even now, many clients have not returned to work and as a result, my daughter's earning opportunities have been crippled.
- She will not be able to work at King's Island Halloween Haunt, as she has for the past two years, due to the fact that the governor's mandates have made it next to impossible for the theme park to operate under such strict and ridiculous mandates, and therefore her beloved Halloween Haunt and Winterfest have been canceled.

**54. SOCIAL/ACTIVITIES**

- Both she and her brother were unable to get basic exercise by going to the park and playing their favorite, basketball. This very basic right to go to a park and play a game was stripped away because the courts actually had the basketball hoops removed. This was not only an enjoyable past time but a vital component to her mental and emotional well-being.
- Her social life has been completely paralyzed by DeWine's overreaching and irrational measures. She cannot go to concerts, restaurants, bars, clubs, amusement parks, movie theaters or any large gatherings with friends, as prohibited by the emergency order.
- Her boyfriend was scheduled to fly out from California, a visit that had been planned for over 6 months. He subsequently canceled his flight, due to the emergency order only allowed for travel into the state for essential business or operations. He would have had to self-quarantine for 14 days. Needless to say, our daughter was devastated and remains devastated 5 months later.



**55. MENTAL WELL-BEING**

- Our daughter had finally started to come out of her shell. She was cultivating friendships and a social life, had career and life goals. Now she isn't even sure if she will have a future. She has no idea where her career path will go. She is confused, scared, and feels hopeless. She has begun having night terrors. She is plagued with nightmares and wakes up crying and screaming. Her depression, which had been manageable prior to the governor's orders, has started to afflict her once again and her anxiety has increased ten-fold. The overreaching, unreasonable and unnecessary "emergency orders" have most definitely negatively impacted our daughter's life on every front- educationally, personally, emotionally, socially and financially. I have spent countless hours comforting my daughter, into the late hours of the night, while she cried, trying to reassure her that life will return back to normal, pre-emergency order days. I have tried to reassure her that she will have a future where she will be free to go to concerts and movies and shopping without the worry and stigma of doing so without a mask. When my children were little, I told them they could be and do whatever they could dream of. I never thought she and I would be discussing if we would ever be free again.

**CHILD 2 - SON**

**56. EDUCATION**

- Our 17 year-old son has high-functioning Autism/PDD-NOS (Pervasive Development Disorder/Not Otherwise Specified)
- He is on the Ohio Autism Scholarship Fund and attends Skyward Academy – a private school in Montgomery for children with conditions similar to his. He is in 11<sup>th</sup> grade and this fall begins his third year there.
- He is on an IEP (Individualized Education Plan) which includes receiving regular speech therapy, as well as additional reading tutoring, both of which were impacted by the shutdown.
- When the schools closed it progressively and severely negatively impacted his educational, personal, emotional and social development.
- The shutdown caused him to be deprived of his right to education and critical enrichment activities (talent show, field trips, end of year awards ceremony). Our son was not able to obtain the full and intended benefits of his IEP due to school moving to a remote online distance learning. This has stunted his development on every level.
- The shutdown disrupted his social growth. Being out of school, kept him away from his friends. Friendships that he had been working incredibly hard at making were not able to be maintained online. Some of his friends only had access to a computer for schoolwork, not for socialization. Interaction online for these types of kids is very difficult.
- The current mandates for the school are causing him a great deal of stress. The plexiglass desk dividers, limited seating arrangements, limited interaction, anxiety regarding teachers/students with masks, is all taking a toll on a usually very calm, easy-going young man.
- He had a STEM (Science Technology Engineering Math), art, animation and drama classes that were not able to be done remotely. So, he was cheated out of those classes and education.

**57. HEALTH/MASKS**

- Our son cannot wear a mask due to the following medical issues:
  - Autism. He cannot tolerate having his mouth and nose covered in any way.
  - Scoliosis, which compresses one of his lungs
  - Mitral valve prolapse (Improper closure of the valve between the heart's upper and lower left chambers).
  - Anxiety

**58. SOCIAL/ACTIVITIES**

- Both he and his sister were unable to get basic exercise by going to the park and playing their favorite, basketball. This very basic right to go to a park and play a game was stripped away because the courts actually had the basketball hoops removed. It is the one sport he is able to play, considering his scoliosis and heart issue.
- Our son finally began to make friends. Last fall, he was invited to friend's birthdays and get-togethers. Last October was the first year that he EVER had a birthday party with friends. It was a bowling alley and he had the time of his life. This type of socialization is CRUCIAL for kids on the Autism spectrum. The shutdown as well as the past and current emergency orders have and are continuing to prevent him from this critical component of his life- being around other kids who are like him, which makes him feel normal and accepted. This is vital to kids on the Autism spectrum because they often feel ostracized and are frequently left out by neurotypical peers. The governor has literally ripped that away from him.
- He was unable to participate in the school variety show, something he had been looking forward to since the previous spring. The amount of disappointment he experienced was heart wrenching. For a kid with autism to WANT to come out of his shell, do something that is as nerve-wracking as performing for parents, teachers and students is remarkable. And then to have that ruined is devastating.
- The school was unable to host their usual end-of-year awards ceremony. This is HUGE for these kids!!! It is a big production, held at a country club. Each child is individually recognized for an achievement. They are given little "Oscars". There is a banquet buffet. The entire celebration is beautiful and moving. THAT TOO was ripped away from my son, as well as those other kids.
- There have social events cancelled by friends because the kids and/or their parents have been so indoctrinated by DeWine's panic inducing rhetoric, they are too afraid to go out and be with people.

**59. MENTAL WELL-BEING**

- Our son, a usually mild-mannered, calm, easy going, happy young man is now anxiety ridden and sad. He has nightmares. We have watched him go from slightly germophobic (something that we have been working on and making progress with), to being too frightened to go outside. When this virus first appeared, he was very scared. We reassured him it was nothing to be afraid of. Nothing scarier than the average flu. But, despite our monitoring of all media, he was still subject to DeWine's continuous propaganda campaigns. He was so afraid; he wouldn't even want to step out into his own backyard because he thought the virus was in the very air we were breathing. When we were finally able to convince him that was not the case, not the facts, we were able to get him to go on quick outings to the store with us. However, the repeated propaganda signage and recorded droning messages over the store's loudspeakers, reminding us to remember to socially distance, wear a mask and wash our hands, simply rekindled the fears. He would walk with his head tucked down and his arms either in his pockets or crossed



tightly against his chest. He would not touch a thing. We have once again begun to make progress in getting him to relax in the stores and to remember that this is nothing more than a virus like the flu. He has meltdowns, something he has NEVER EVER had before. I have watched this young man stand before me in frustration, tears streaming down his face, head back, face red and screaming to the sky about how he just wants his life back, then have him collapse against me or his dad and just sob. I have never felt more helpless as a parent in my entire life. It was soul-crushing.

60. Further, Affiant sayeth naught.

---

Sworn to before me and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

---


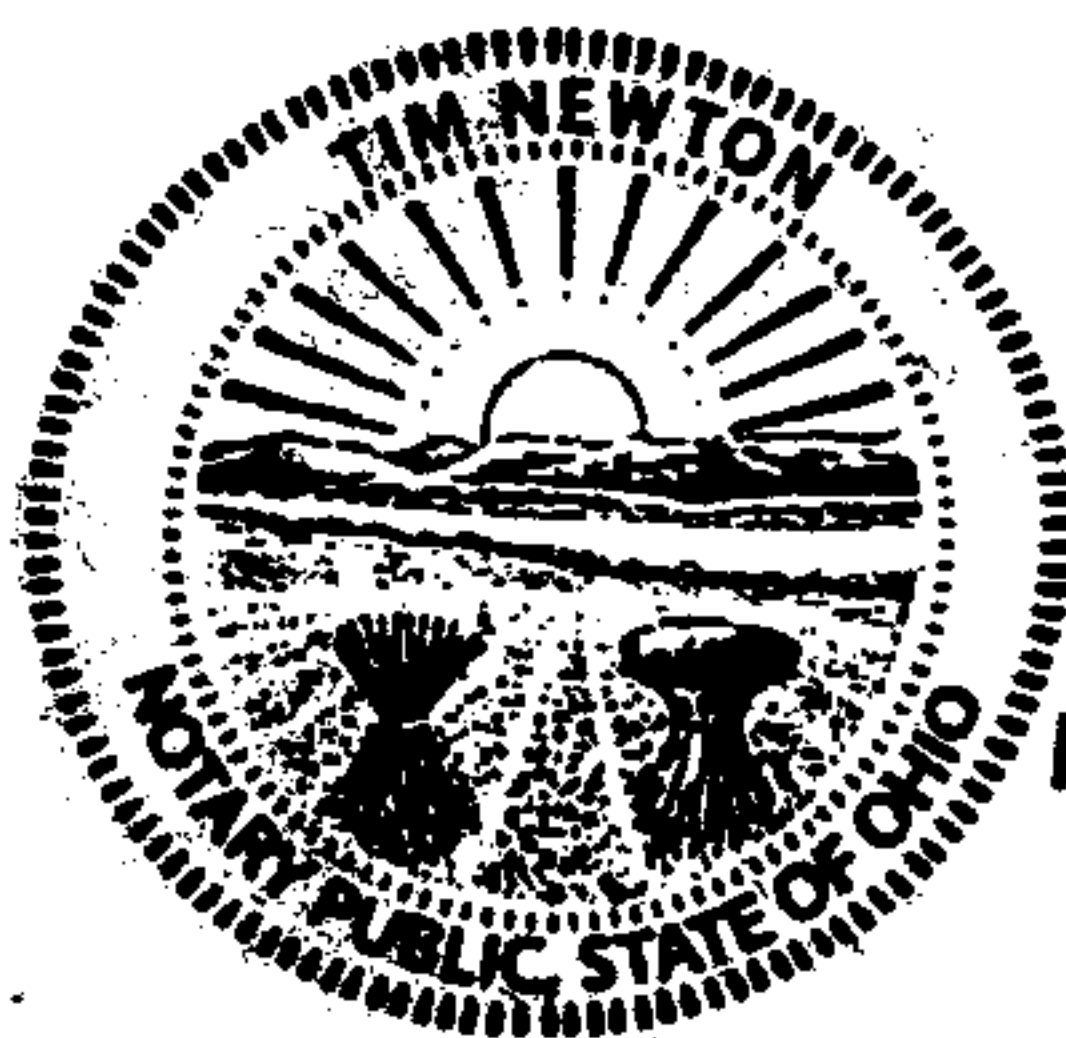
Notary Public

tightly against his chest. He would not touch a thing. We have once again begun to make progress in getting him to relax in the stores and to remember that this is nothing more than a virus like the flu. He has meltdowns, something he has NEVER EVER had before. I have watched this young man stand before me in frustration, tears streaming down his face, head back, face red and screaming to the sky about how he just wants his life back, then have him collapse against me or his dad and just sob. I have never felt more helpless as a parent in my entire life. It was soul-crushing.

60. Further, Affiant sayeth naught.



Sworn to before me and subscribed in my presence this 27<sup>th</sup> day of August, 2020.

  
Notary Public

TIM NEWTON  
NOTARY PUBLIC, STATE OF OHIO  
HAMILTON COUNTY  
My Commission Expires 11/18/2020



**Affidavit of Tara L. Calderaro**

State of Ohio / Clermont County:

I, Tara L. Calderaro, being first duly sworn according to law, state that I am legally competent to testify in this matter, and I have personal knowledge of all the facts contained within this affidavit. I am competent to testify as to all matters stated herein:

1. All documents attached to this affidavit are genuine copies of the original and are fully incorporated by reference herein as if fully rewritten herein. All Exhibits referenced and/or attached thereto and fully incorporated by reference herein are all true and genuine copies of the originals and each is incorporated herein as evidence in support of the plaintiff's motion. All documents as was filed in this matter attached to the complaint are also incorporated herein fully by reference by this affidavit as if fully and completely rewritten herein. This includes all documents contained in the Exhibits attached to the complaint as filed for record. All Exhibits referenced and/or attached thereto and fully incorporated by reference herein are in support my individual claims that my Constitutional Liberties, Freedoms and God-given, absolute, fundamental, and inalienable Rights have been unconstitutionally infringed upon and denied and/or jeopardized to me as I detail herein.

2. The DeWine, Acton, Himes Orders as have been issued since March 2020 have adversely impacted my Constitutional Liberties, Freedoms and God-given, absolute, fundamental, and inalienable Rights.

3. As a direct and proximate result of these unconstitutional orders and their mandated implementation, I have been made to endure the following:

4. The declared "State of Emergency" made by DeWine and the ODH, and it's continuous, unnecessary and unfounded extension of said orders have wreaked havoc, turmoil, angst, anxiety and undue stress upon me, as well as my entire family. These baseless orders have affected us in numerous adverse ways in a multitude of situations. I believe our constitutionally guaranteed freedoms have clearly and repeatedly been violated as a result of the governor's mask mandates and inducement of panic, and the very essence of the Emergency Order itself.

**TARA**

**5. HEALTH/MASKS**

- I cannot wear a mask for the following medical reasons:
  - a) History of seizures (cause unknown). I am very careful as to not become episodic again.
  - b) Asthma
  - c) Extreme claustrophobia
  - d) Inappropriate Sinus Tachycardia (rapid heartbeat without reason). I have been seen by multiple doctors for this issue. My heart rate can spike to 140+ bpm. I experience nausea and lightheadedness with these episodes. These episodes can last for hours. Echocardiogram reveled no cause.
  - e) Placing a mask over my nose and mouth is literally impossible. I immediately panic. I cannot breathe. I feel like I am suffocating. My heart rate increases and the few times I have tried, I had a tachycardia episode, each lasting for numerous hours.

## 6. MENTAL WELL-BEING

- a) This entire fiasco has had a huge toll on my mental well-being. The constant deception and lies and executive order extensions from the governor and the ODH has me feeling utterly despondent. It feels like there is no hope for life to ever return to normal. And I refuse to accept this dystopian alternative as my “new normal”.
- b) I have missed numerous days from work (currently building a home business) and simply put, life, because I could not get out of bed and face the day, another day without hope for normal life to resume. What began as 2 weeks to flatten the curve, which has been flattened for some time now, has turned into 5 months and counting.
- c) I now suffer from depression. As a naturally bubbly, upbeat, and optimistic person, DeWine and his draconian orders have plummeted me into a depressive state that I have to fight against everyday simply to continue to function for the good of my family. I am constantly stressed. I have cried more in the past 5 months than I have in the past 5 years. There has literally not been a day that has gone by that I haven't cried, either out of frustration or hopelessness.
- d) I suffer EXTREME anxiety now at the mere prospect of having to go out shopping. The sea of masked faces is unnerving. I cannot tell who is friend or foe. Everyone has been stripped of their identity. Not only that, but there is the constant fear of mask shaming, and confrontations (both of which have occurred multiple times).
- e) Something as the simple, basic, and once enjoyable freedoms, such as going to the store, restaurant, zoo, museum, or any other public place is now panic inducing and anxiety provoking. Since the governor's mask mandate and continued inducement of panic that he broadcasts regularly in his press briefings to any Ohioans that will listen, including retailers/business establishments, we have been deprived of these freedoms because all businesses now require masks. Many retailers will discriminate against us by not honoring our medical exemptions from masks, and even when they do honor our medical exemptions, it's often at the expense of having to endure public ridicule as well as demeaning and/or aggressive behavior towards us by store employees and customers and we feel our safety is now at grave risk.
- f) Because of the amount of anxiety I have due to the governor pitting mask-wearers against non-mask wearers, and the fact that everyone in my family is medically exempt from the mask mandate, my family and I no longer have the same rights and freedoms as other Ohioans. To avoid the discrimination, hassle, stares, and confrontations, we do not go out for any leisure activities. We only go out for essential items/services.
- g) In addition to the fear of confrontation, the retail establishments constantly play on loop the mask/social distancing propaganda over their store speakers, furthering my anxiety. It is clear and blatant psychological manipulation.

## 7. MEDICAL

- a) Costco eye center refuses to see us, will not honor mask exemptions
- b) Cannot find a chiropractor who will honor mask exemptions
- c) Cannot have overdue mammogram performed because Tri Health will not honor mask exemptions
- d) I, my husband, and our daughter have each had issues with our pharmacist regarding our lack of masks. Each time we go in to pick up prescriptions, we are given the third-degree as to why we don't have masks on and why we should have masks on. It has gotten so bad, that our 24-year-

old daughter will not go to pick up her medications because she simply can't tolerate the barrage of questions and condemnation from the pharmacist. I have had numerous encounters with the pharmacist myself. The pharmacist had the audacity to bring up my daughter's asthma and say that that is a reason why our daughter should wear a mask. My daughter has asthma that causes her blood oxygen saturation to be around 85% on a good day. The last thing she needs is to be masked and deprive her body of even less oxygen. It is ridiculous to have to be subjected to discrimination, lectures, and propaganda when all we simply are there to do is pick up medicine.

8. My husband and I have two children. My husband is their stepfather and has helped raise them for the past 14 years. The abnormality and unending Executive Orders have affected them adversely as well. Our daughter, age 24 and son, age 17 are both on the Autism Spectrum (high functioning). Because the governor's executive orders have adversely affected them, which in turn, affects me, I am including information as it pertains to them as well as any accounts/confrontations that have happened while I was with them. Nothing is worse than being a parent and being helpless as they fall victim to unjustified, draconian orders, that affects their entire overall being and life as they know it.

#### **CHILD 1 - DAUGHTER**

##### **9. EDUCATION**

- a) Our 24-year-old daughter was attending Sinclair Community College in Dayton. When the colleges closed it progressively and severely negatively impacted her educationally, personally, emotionally, and socially.
- b) Due to the mandated masks, our daughter will no longer be attending college because she cannot wear a mask all day long. Our daughter has been pursuing her lifelong dream of becoming a veterinarian/animal behavioralist, and she needs in-person classroom instruction. Her career goals have been ripped away from her.
- c) Additionally, she was considering transferring to The Ohio State University and she has since changed her mind based on the fact the school requires mandatory COVID-19 testing, which is a clear invasion of a right to privacy and bodily autonomy.

##### **10. HEALTH/MASK**

- a) Our daughter cannot wear a mask due to the following medical issues:
  - o high-functioning Autism (previously known as Asperger's Syndrome)
  - o severe asthma, which limits her oxygen level to about 85% on most days
  - o severe allergies, which results in chronic nasal/sinus congestion prohibiting her ability to breathe in and out of her nose
  - o deviated septum
  - o anxiety
  - o depression
- b) She has had adverse physical reactions to wearing masks.
  - o She had to wear a mask for longer than a few minutes during a food pick-up for Door Dash and she became nauseated, flushed, and dizzy. By the time she got back into her car (she had already taken her mask off), she became physically ill, vomiting all over her



car and herself. She had to come back home to change and rest for the remainder of the day.

- She developed a sinus infection, which we believe is a result from wearing a mask.
  - She suffers headaches if she has to wear the mask for more than a few minutes at a time.
- c) Our daughter cannot wear a mask while shopping, etc. She cannot wear a mask for more than a few minutes before she begins to feel ill. Therefore, she uses her right to medical exemption when shopping, except that it has become so anxiety provoking for her, that she will not go shopping alone, for fear of backlash, shaming and physical and verbal assault.

#### **11. EMPLOYMENT/FINANCES**

- a) Our daughter works for Door Dash and she's required by each restaurant to wear a mask when picking up food. Despite being very unhealthy and unsafe for her, she has no choice if she wants to continue to earn a living and pay for her bills. She wears the lightest and smallest mask that I could make for her, so she can simply comply.
- b) She was impacted financially. Her primary job is a pet sitter. While her clients were all on lockdown, she was not needed and therefore had no work. Even now, many clients have not returned to work and as a result, my daughter's earning opportunities have been crippled.
- c) She will not be able to work at King's Island Halloween Haunt, as she has for the past two years, due to the fact that the governor's mandates have made it next to impossible for the theme park to operate under such strict and ridiculous mandates, and therefore her beloved Halloween Haunt and Winterfest have been canceled.

#### **12. SOCIAL/ACTIVITIES**

- a) Both she and her brother were unable to get basic exercise by going to the park and playing their favorite, basketball. This very basic right to go to a park and play a game was stripped away because the courts actually had the basketball hoops removed. This was not only an enjoyable past time but a vital component to her mental and emotional well-being.
- b) Her social life has been completely paralyzed by DeWine's overreaching and irrational measures. She cannot go to concerts, restaurants, bars, clubs, amusement parks, movie theaters or any large gatherings with friends, as prohibited by the emergency order.
- c) Her boyfriend was scheduled to fly out from California, a visit that had been planned for over 6 months. He subsequently canceled his flight, due to the emergency order only allowed for travel into the state for essential business or operations. He would have had to self-quarantine for 14 days. Needless to say, our daughter was devastated and remains devastated 5 months later.

#### **13. MENTAL WELL-BEING**

- a) Our daughter had finally started to come out of her shell. She was cultivating friendships and a social life, had career and life goals. Now she isn't even sure if she will have a future. She has no idea where her career path will go. She is confused, scared, and feels hopeless. She has begun having night terrors. She is plagued with nightmares and wakes up crying and screaming. Her depression, which had been manageable prior to the governor's orders, has started to afflict her once again and her anxiety has increased ten-fold. The overreaching, unreasonable and unnecessary "emergency orders" have most definitely negatively impacted our daughter's life on every front- educationally, personally, emotionally, socially and financially. I have spent

countless hours comforting my daughter, into the late hours of the night, while she cried, trying to reassure her that life will return back to normal, pre-emergency order days. I have tried to reassure her that she will have a future where she will be free to go to concerts and movies and shopping without the worry and stigma of doing so without a mask. When my children were little, I told them they could be and do whatever they could dream of. I never thought she and I would be discussing if we would ever be free again.

## **CHILD 2 - SON**

### **14. EDUCATION**

- a) Our 17-year-old son has high-functioning Autism/PDD-NOS (Pervasive Development Disorder/Not Otherwise Specified)
- b) He is on the Ohio Autism Scholarship Fund and attends Skyward Academy – a private school in Montgomery for children with conditions similar to his. He is in 11<sup>th</sup> grade and this fall begins his third year there.
- c) He is on an IEP (Individualized Education Plan) which includes receiving regular speech therapy, as well as additional reading tutoring, both of which were impacted by the shutdown.
- d) When the schools closed it progressively and severely negatively impacted his educational, personal, emotional and social development.
- e) The shutdown caused him to be deprived of his right to education and critical enrichment activities (talent show, field trips, end of year awards ceremony). Our son was not able to obtain the full and intended benefits of his IEP due to school moving to a remote online distance learning. This has stunted his development on every level.
- f) The shutdown disrupted his social growth. Being out of school, kept him away from his friends. Friendships that he had been working incredibly hard at making were not able to be maintained online. Some of his friends only had access to a computer for schoolwork, not for socialization. Interaction online for these type of kids is very difficult.
- g) The current mandates for the school are causing him a great deal of stress. The plexiglass desk dividers, limited seating arrangements, limited interaction, anxiety regarding teachers/students with masks, is all taking a toll on a usually very calm, easy-going young man.
- h) He had a STEM (Science Technology Engineering Math), art, animation and drama classes that were not able to be done remotely. So, he was cheated out of those classes and education.

### **15. HEALTH/MASKS**

- a) Our son cannot wear a mask due to the following medical issues:
  - o Autism. He cannot tolerate having his mouth and nose covered in any way.
  - o Scoliosis, which compresses one of his lungs
  - o Mitral valve prolapse (Improper closure of the valve between the heart's upper and lower left chambers).
  - o Anxiety

**16. SOCIAL/ACTIVITIES**

- a) Both he and his sister were unable to get basic exercise by going to the park and playing their favorite, basketball. This very basic right to go to a park and play a game was stripped away because the courts actually had the basketball hoops removed. It is the one sport he is able to play, considering his scoliosis and heart issue.
- b) Our son finally began to make friends. Last fall, he was invited to friend's birthdays and get-togethers. Last October was the first year that he EVER had a birthday party with friends. It was a bowling alley and he had the time of his life. This type of socialization is CRUCIAL for kids on the Autism spectrum. The shutdown as well as the past and current emergency orders have and are continuing to prevent him from this critical component of his life- being around other kids who are like him, which makes him feel normal and accepted. This is vital to kids on the Autism spectrum because they often feel ostracized and are frequently left out by neurotypical peers. The governor has literally ripped that away from him.
- c) He was unable to participate in the school variety show, something he had been looking forward to since the previous spring. The amount of disappointment he experienced was heart wrenching. For a kid with autism to WANT to come out of his shell, do something that is as nerve-wracking as performing for parents, teachers and students is remarkable. And then to have that ruined is devastating.
- d) The school was unable to host their usual end-of-year awards ceremony. This is HUGE for these kids!!! It is a big production, held at a country club. Each child is individually recognized for an achievement. They are given little "Oscars". There is a banquet buffet. The entire celebration is beautiful and moving. THAT TOO was ripped away from my son, as well as those other kids.
- e) There have social events cancelled by friends because the kids and/or their parents have been so indoctrinated by DeWine's panic inducing rhetoric, they are too afraid to go out and be with people.

**17. MENTAL WELL-BEING**

- a) Our son, a usually mild-mannered, calm, easy going, happy young man is now anxiety ridden and sad. He has nightmares. We have watched him go from slightly germophobic (something that we have been working on and making progress with), to being too frightened to go outside. When this virus first appeared, he was very scared. We reassured him it was nothing to be afraid of. Nothing scarier than the average flu. But, despite our monitoring of all media, he was still subject to DeWine's continuous propaganda campaigns. He was so afraid; he wouldn't even want to step out into his own backyard because he thought the virus was in the very air we were breathing. When we were finally able to convince him that was not the case, not the facts, we were able to get him to go on quick outings to the store with us. However, the repeated propaganda signage and recorded droning messages over the store's loudspeakers, reminding us to remember to socially distance, wear a mask and wash our hands, simply rekindled the fears. He would walk with his head tucked down and his arms either in his pockets or crossed tightly against his chest. He would not touch a thing. We have once again begun to make progress in getting him to relax in the stores and to remember that this is nothing more than a virus like the flu. He has meltdowns, something he has NEVER EVER had before. I have watched this young man stand before me in frustration, tears streaming down his face, head back, face red and screaming to the sky about how he just wants his life back, then have him collapse against me or his dad and just sob. I have never felt more helpless as a parent in my entire life. It was soul-crushing.



18. During these past five months, I have watched my family's mental state go from happy and optimistic to pensive, tired, anxious and depressed. I have seen the light and excitement for life fade from my children's eyes. For what? For a virus that most of us need a test to know if we even have it. For a virus that has a 99% survival rate. For a virus that has been egregiously mismanaged and misrepresented by Governor DeWine and the ODH.

### **CONFRONTATIONS**

19. Due to our medical exemptions from wearing masks, we have endured several shopping trips where we have been verbally harassed, shamed, physically assaulted, been the subject of eye rolls, disapproving head shakes, glares and refused service. We have been told to stand outside and offered ridiculous alternatives to masks, furthering our point of view that masks are for compliance only and not for safety.

#### **Walmart - Mason, Ohio - June 15, 2020**

20. I was shopping alone in the clothing aisle of Walmart in Mason, Ohio. I happened to cross paths with a masked woman and she and I met eyes. She looked at me and said hostilely, "Are you smiling at me?" I responded, "Yes, I am". She said, "How dare you be without a mask and smile at me during this deadly pandemic." I told her to relax and walked away. On this same shopping trip, I encountered a man that felt it necessary to flatten himself up against his car, because I had to be in the same vicinity to get into my car to leave the parking lot. He said to me, "you don't have a mask on." Again, I said "Oh, relax. I'm just getting in my car."

#### **DSW (Designer Shoe Warehouse) - Mason, Ohio - July 29, 2020**

21. My daughter and I went to DSW to buy her a new pair of athletic shoes. Given the current circumstances, she is far too anxious to go shopping alone, so she asked if I would accompany her. As we walked into the store, there was signage stating masks were required. We didn't think much about it, as we both have medical reasons for exemption. We were greeted by an employee at the door, who clearly saw our unmasked faces. She said nothing about our lack of masks but informed us of the current sales and the new shoe try-on policies the store had adopted during the COVID-19 issue. We listened, said thank you and went to find shoes. We weren't two steps into the shoe aisle when another employee (Chris) approached us. He said, "Oh here, let me get you some masks." I responded with "No thank you. We have medical exemptions." His previous somewhat friendly demeanor quickly evaporated. He became confrontational and he rudely said, "You must wear a mask. It is the law." I said firmly, "The mandate allows for medical exemptions. We are simply here for a pair of shoes." He turned on his heel and literally stomped away.

21. At that point, my daughter and I were simply shaken. My hands were shaking. Our hearts were beating out of our chests. My daughter felt like she was going to have a panic attack. I thought if my heart rate didn't slow down, I'd go into tachycardia. My daughter said, "Forget it, let's just go." I said, "No. We won't be bullied, and you need new shoes." Neither one of us could think straight at that point. We could not locate the women's athletic shoes. We had no choice but to ask someone because wandering around and looking for the shoe section seemed far too intimidating. Neither one of us wanted to be in the store any longer than we had to be. The ONLY sales associate on the floor at that moment was the employee we just had an altercation with. He was two aisles over from where my daughter and I stood. He was walking from the front to the back of the store. I called out to him, "Excuse me, can I ask you a

quick question?" He glanced over at us and said "No, no you can't. I don't have time to answer your question. I'm not talking to you." At this point, he is scurrying away. I continued to talk to him because I simply wanted to get the shoes and get out. I said, "I just need to know where the women's athletic shoes are." He said, "I am not talking to you." And he jogged to the back of the store. I stood there, flabbergasted. I turned towards my daughter and said, "Wow, I can't believe how rude that guy is." It was then that another employee (Jason) approached us and must have heard me and asked what was wrong. I recounted the entire situation. He said nothing about us not having masks on. He simply pointed us in the direction of where we could find the shoes we were looking for. My daughter and I thanked him for listening, for his help and for being kind. We went over to the athletic shoes, still rattled over the entire confrontation. She found shoes as quickly as humanly possible, tried them on in the designated location, paid and left.

**DSW (Designer Shoe Warehouse) - Mason, Ohio August 17, 2020 – Recounted by Eric**

22. As Tara and I entered, Chris, the same employee that mistreated Tara a couple of weeks prior, said "get you a couple masks." I replied, "we have medical exemptions, thank you." He replied, "Oh well, the building said masks are required." I said, "Sir don't give us a problem, unless you want to violate ADA. The law [mask mandate] has 13 exemptions. Do you not know them?" He replied, "if you don't want to wear a mask then you can shop at home" and he motioned for us to leave while saying this. I replied, "no, that's not a reasonable accommodation, so we're going to continue to shop." Chris then said to his staff, "call the police." This was humiliating and degrading, especially given the fact that 2 other DSW employees (Jason and a female) along with at least one other female customer were observing our encounter. It's as if Tara and I are dangerous animals on display at some circus for all spectators to gawk at. Despite this feeling, Tara and I remained polite and simply proceeded to shop.

23. While at the register to pay for the shoes, we spoke to Jason; the same Jason that helped Tara during the last visit. Tara asked Jason if Chris was a manager and explained how we felt Chris accosted us when we walked in. Despite the fact Jason was standing and watching us interact with Chris as we entered, Jason said he didn't know what had happened exactly. Tara explained this was the second time she had been given a hard time by Chris and she explained the incident on July 29<sup>th</sup>. Tara and I then both explained how we have medical reasons why we cannot wear a mask. Tara explained as she began to cry, "I don't think I should be coming in here and having to have a panic attack because I'm going to be accosted" by an employee for just buying a pair of shoes. Jason said the mask requirement is a company policy. Tara asked, "is it a written company policy that I can see?" Jason said it is a written policy but he "does not have the policy available." I then asked, "what about people who have ADA protected medical conditions?" Jason hesitated and said, "I don't have the answers that to be honest with you." We explained we should be treated like normal fellow citizens and like regular humans, rather than treated as lepers and being rude and confrontational, and refusing to serve us. We also explained how we feel discriminated against for being denied the same freedoms everyone else gets to enjoy, which are constitutionally guaranteed, simply because we have medical conditions that exempt us from wearing masks. I then asked Jason about the fact Chris said we should shop online or at home. Jason said, "that's not what he should have said. I apologize." I then asked, "what should he have said." Jason replied, "he shouldn't have said you can shop online." He said, "that's an idea that's a suggestion." In that moment "we could have worked through that conversation a little better."

**Hot Topic – Cincinnati, Ohio July 13, 2020 – Recounted by Eric**

24. We have shopped at Hot Topic for over 12 years for our children. It's their favorite store. Hot Topic denied Tara and me entry for not wearing a mask, despite the fact we told them we have medical exemptions. The employee manning the door even recognized us for having shopped in there so often. That didn't matter, we were still treated rudely as if we were subhuman. We advised them by refusing to allow us entry after having informed them we have medical exemptions, it's clear discrimination. The employee didn't care, and just cited it's corporate policy. Hot Topic did not offer any options or accommodations for us to shop. It was only after I insisted Hot Topic provide some type of reasonable accommodation, did the employee say he can shop for us and bring things to the door. The employee began to ask us questions as to what we were looking for – what theme or genre. We explained that we don't have anything specific we are looking for since our children like almost everything in the store, and we don't know what is available in the store to purchase. The employee asked, if we wanted him to bring up a mug or a t-shirt or a blanket, etc. And again, we said we didn't know we had to shop around to determine what we wanted. We explained that typically we spend one hour or so shopping in Hot Topic trying to find the perfect gifts for our children. He then responded in a rude, sarcastic, snarky fashion, "do you want me to just bring everything up, because I can for you, if that's what you guys want?" Realizing that was not reasonable either, and nor would he do it even if we asked, we then spent several minutes providing constructive ideas for reasonable accommodations to the Hot Topic employee.

**Panera Bread - Mason Ohio – July 29, 2020 – Recounted by Tara**

25. My daughter and I decided to have lunch at Panera Bread. I called ahead to see what their mask policy was. I was told that if we were maskless, we could not come into the café to order. We would have to order from home or our car and pay online. Then, when we arrived, we could walk in MASKLESS, pick up our food as a to-go order and then proceed to a table and sit down and eat. Although they were polite and kind, the whole situation was down-right ridiculous. We could walk into the establishment, we could interact with employees as we picked up our food, we could eat in the café area ALL MASKLESS. We could not order our food at the register though.

**Joann Fabrics – Mason, Ohio – July 29, 2020 – Recounted by Tara**

26. My daughter and I went shopping for fabric. Despite the store's signage for mask requirements, we had no issues shopping without masks. We interacted with 4 different employees while in the store, no issues... until we got to the checkout counter. We were called up to the register to pay for our items, and as I placed my items on the counter to purchase, the young lady employee behind the plexiglass shield, said muffled through her mask rudely, " You know, masks are required to shop in our store." I politely told her we have medical exemptions. She rolled her eyes. At that point, I continued and said, "Furthermore, we have been shopping in the store for over an hour and had encountered 4 other of your fellow employees without issue. I don't appreciate the hard time I am getting from you. The governor's mandate allows for medical exemptions." She said nothing more but huffed and puffed and slammed her hands down upon the counter. She was sullen and continued to be rude. We paid for our purchase and left.



**Costco – Mason, Ohio**

27. In addition to the medical exemptions outlined in DeWine's mask orders, Costco specifically provides a medical exemption on their website which reads as follows: "To protect our members and employees, all Costco members and guests must wear a face covering that covers their mouth and nose at all times while at Costco. This requirement does not apply to children under the age of 2 or to individuals who are unable to wear a face covering due to a medical condition."

<https://www.costco.com/covid-updates.html>. Eric and I have been Costco members together since about 2006.

**Costco – Mason, Ohio- July 6, 2020 – Recounted by Tara**

28. Eric and I were doing our bimonthly Costco shopping. We entered into Costco, with our medical exemption to allow us to shop maskless. We decided to stop by the optical department first, because Eric, our daughter and I are all in desperate need for updated eye glass prescriptions and glasses. The woman behind the counter in the optometrist's office said very rudely "Where's your mask?" Eric said, "We have medical exemptions." She said rudely "Both of you?" Eric and I said "Yes". She stated, "You need to wear masks." Again, we stated we have medical exemptions. I then asked, "I take it that means we would need to wear masks during the eye exam as well?" Both she and the optometrist, who was sitting literally 3 feet from me both said in unison "Yes". I said, "Okay then, well, that isn't going to work because I can't breathe in a mask. Thanks anyway." Eric and I proceeded to walk away. That event was so belittling, that we were both angry and I was distraught. That woman made us feel like we were walking disease. As I was pushing the grocery cart, I accidentally crashed into the signage advertising a TV. When I glanced up to see if anyone had witnessed my less than graceful cart maneuvering, I saw a woman standing in an aisle, watching us, approximately 20 feet away. Eric noticed her as well. So, we made an off-handed joke about my bad cart steering and driving. The woman looked at us and said, "I am not concerned about that. I am more concerned that you both don't have masks on." Eric said to her, "Maybe you shouldn't be so quick to judge. Did you think that maybe there is a reason we can't wear masks? We have medical exemptions." As we proceeded to walk away, which entailed walking past her, she started to back up. I looked at her and said "Relax lady. You're safe." Eric and I had to go to another aisle and take a minute to regroup. Two back to back negative encounters is taxing. At that point, I was teary-eyed from the sheer frustration and exhaustion of the situations. Basic shopping should not evoke a fight or flight response.

**Costco – Mason, Ohio- July 13, 2020 and July 21, 2020 – Recounted by Tara**

29. On two separate occasions, we were rudely questioned when entering Costco. As per usual, Eric shows the membership card and walks on the side closest to the door attendant. I walk on Eric's other side and push the cart. As Eric shows the membership card, we are asked "Do you have masks?" Eric clearly and very audibly states, "We have medical exemptions." At which point, the door attendant asks in a condescending tone, "Both of you?". Eric replies "Yes, BOTH of us." To be questioned rudely, in front of other customer's is unnecessary and demeaning. Eric's voice is loud and clear. There is no reason that the door attendant needs to clarify both of us, unless they lack command of the English language and are unfamiliar with the word "we". Which, given the fact that these same door attendants on other occasions, have not had to clarify the word we, I find that unlikely.

**Costco – Mason, Ohio - August 6, 2020 – Recounted by Eric**

30. When Tara and I shop anywhere we wear our patriotic freedom themed t-shirts which we design, have printed and we sell as part of our small business. As we approached the Costco entrance, Tara and I recognized the employee, John from an encounter we had about one month prior. During that prior encounter when we entered and John said we needed masks, I politely advised him we both have

medical exemptions. He challenged us and did so in a rude, condescending and loud manner by stating, "both of you!" I said yes as we continued entering Costco unobstructed and without delay.

31. As Tara and I tried to enter Costco August 6, 2020, in an effort to do all we could to avoid any issue with John and just shop in peace, when I showed my membership card, I was certain to be extra friendly to John by stating, "How you doin' my friend. We have medical exemptions." Normally that's all that is ever required, and we are allowed in without delay or having to stop for any reason. However, as we attempted to enter like every other customer, John lifted his right arm in front of me while simultaneously placing his right hand pushing into my stomach to stop me from entering. I immediately stopped, shocked and appalled at his actions. I immediately told him that he didn't need to touch me, nor did he need to try and stop me. He said I was blocking him in some way (which made no sense). I told him he didn't need to touch me, and he could simply say "excuse me" if he needed something from me. I asked him why he was trying to stop me. I reiterated how I didn't understand why he was physically touching me. John said I was blocking him from seeing Tara's cart as we entered. This made no sense, as there was no reason to screen an incoming cart – no one steals anything *entering* the establishment. I asked him why he didn't just simply say "excuse me sir" and I would have known to stop, and why did he have to touch me? He then said, "I'm sorry my hand touched you." As we were standing there, there was at least one other customer observing our encounter. John still did not permit us to enter as evidenced by the fact he was still standing in front of us blocking our entrance. However, during that time John did find the time to screen and allow entry to other incoming customers who walked right by us. This was humiliating to us. Because we were not wearing masks due to medical exemptions which I clearly announced to John, John discriminated against us by not allowing us entry and then proceeded to assault me by placing his hand into my stomach.

32. I then asked John what he was looking for in our cart. He said he was looking to see if there was something underneath Tara's purse which was inside the cart, or empty boxes, empty bags and "stuff like that." I told John that next time I would appreciate that if he needs something to say, "Hey sir excuse me." I advised him that I didn't know he was trying to stop me. I explained that I've never had an employee actually stop me and put his hand out to physically touch me, and I said, "I don't understand." John said, "sorry I touched you." I said, "thank you." Despite my wife and I being humiliated, discriminated against and me being assaulted, and despite being extremely angry and anxious inside as a result, I remained calm, composed and overly polite over the 1.5 minute encounter. And Tara didn't speak a word.

33. I then went to report it to an on-duty manager named Reggie and continued to video record. Reggie said John should not have touched me or made any contact with me whatsoever, and John should have stopped when I said we had medical conditions. I told the manager if employees are worried about a virus, that last thing they should be doing is touching me. I explained how we have been hassled at the entrance several times in the past, and how I didn't come complain prior because I don't want a hassle. I just want to shop in peace. Reggie apologized numerous times and thanked us for bringing it to his attention.

34. After we completed our shopping, I wanted to find out what was found out and done about our incident. We went to find Reggie, however he had left so we spoke to another manager, Justin. Justin said he saw the video tape and hadn't talked to John yet. Justin said from what he heard second-hand from Reggie, John was trying to see our membership card which is why he stopped us. Tara and I both told Justin that is incorrect, and makes no sense as I was standing closest to John and showing my membership card which covers for the both of us entering, and when I asked John why he stopped us he

said it was to look for boxes in our cart not, to double check our membership card. I explained to Justin that our medical conditions may be invisible but that doesn't mean we don't have them. I also brought up the example of my son who has autism and was hassled in our prior visit and how it is very judgmental for employees to behave this way. I explained that if Costco is going to try and enforce the mask mandate, they need to be aware and honor the 13 exemptions in that mandate. I told Justin that I would appreciate if he talks to his staff. Justin went on to vent and say that he is having the conversation "more and more" with his employees to not touch people. Justin said he cannot believe he has to tell grown employees to stop touching people and explain that some people would give a "butt whooping" for touching them. Justin also said he's coached his staff that they are not the "mask police."

35. There was no rational reason for John to do what he did. It's clear he simply wanted to harass us and physically assault me because he didn't like us exercising our rights in accordance with the state mask mandate and in accordance with his employer's corporate policy to honor medical exemptions.

**Auto Zone – Mason, Ohio - August 4, 2020 – Recounted by Eric**

36. Our daughter's car broke down at the home of one of her pet-sitting clients. Her battery had leaked and was smoking. I removed the battery and Tara and I went to Auto Zone to get a new car battery to repair her car. Upon entering Auto Zone, the woman at the counter motioned that we needed masks. I said, "we have medical exemptions, thank you." Her facial expression was one of disgust. She said we needed to talk to the male employee who was just entering from outside. To mitigate the chances of any issue, I was extra friendly to the man by saying, "Hi my friend, how are you?" He asked us if we had masks. We said, "we have medical exemptions, thanks." He said "because it's private property, we still don't...we have to have something of some kind." I politely explained the ADA and the mask order has 13 exemptions. He said, "I understand, I also know it's called peddler's privilege. I've done all my research." I again tried to explain how he was going to enforce the mask mandate but ignore the 13 exemptions within that mandate. He then stated, "I can't wait on you cuz I have...unfortunately I'm one of the ones that can die from this, so I won't wait [serve] on you." That was the end of the interaction. We were left standing there momentarily, embarrassed, humiliated, dehumanized and discriminated against while holding our daughter's leaking car battery and offered no options to resolve it. Another male employee (Billy) spoke up and said he can offer curbside pickup and he could help us outside. We took care of the battery using curbside pickup and had Auto Zone informed us of this option from the outset, we could have avoided the entire situation. While outside Billy said we could return to have our daughter's charging system checked given her battery leaked and smoked. I thanked him and advised we would return shortly.

37. After replacing the old battery with the new one, about one hour later we returned to Auto Zone. We went inside to ask for Billy. As soon as we walked in a male employee rudely motioned to me to put a mask on. I told him we have medical exemptions and he should ask me first before assuming anything. The female employee at the counter said Billy was in the restroom. She then offered us what I can only described as a failed attempt at a "mask" and explained it as follows, "we just have like little paper things to hold in front of your face." She then reached her visibly dirty greasy hands underneath the cash register and pulled out an 8.5"x 11" piece of floppy paper taped to a popsicle stick and offered it to us saying, "just so you can be in here." We were expected to walk around the store while holding this in front of our face. She offered this as some sort of mask substitute, as if a piece of paper on a popsicle stick would do anything except further humiliate, degrade, and discriminate against us. Despite this abhorrent treatment, we remained polite and said we will wait outside for Billy.



38. The female employee who offered us the popsicle stick “mask” came outside to check the car’s charging system. She did not seem worried about any virus considering she rubbed her eyes with her fingers, repeatedly adjusted her mask, pulled her mask down at one point to wipe her face with her hands. The mask is clearly not about a virus – it’s about compliance.

**Target/CVS Pharmacy, Milford, Ohio – Recounted by Tara**

39. I, my husband, and our daughter have each had issues with our pharmacist regarding our lack of masks. Each time we go in to pick up prescriptions, we are given the third-degree as to why we don’t have masks on and why we should have masks on. It has gotten so bad, that our 24-year-old daughter will not go to pick up her medications because she simply can’t tolerate the barrage of questions and condemnation from the pharmacist. I have had numerous encounters with the pharmacist myself. The pharmacist had the audacity to bring up my daughter’s asthma and say that that is a reason why our daughter should wear a mask. My daughter has asthma that causes her blood oxygen saturation to be around 85% on a good day. The last thing she needs is to be masked and deprive her body of even less oxygen. It is ridiculous to have to be subjected to discrimination, lectures, and propaganda when all we simply are there to do is pick up medicine.

40. Further, Affiant sayeth naught.

---

Sworn to before me and subscribed in my presence this \_\_\_\_ day of \_\_\_\_\_, 2020.

---

Notary Public

38. The female employee who offered us the popsicle stick "mask" came outside to check the car's charging system. She did not seem worried about any virus considering she rubbed her eyes with her fingers, repeatedly adjusted her mask, pulled her mask down at one point to wipe her face with her hands. The mask is clearly not about a virus – it's about compliance.

**Target/CVS Pharmacy, Milford, Ohio – Recounted by Tara**

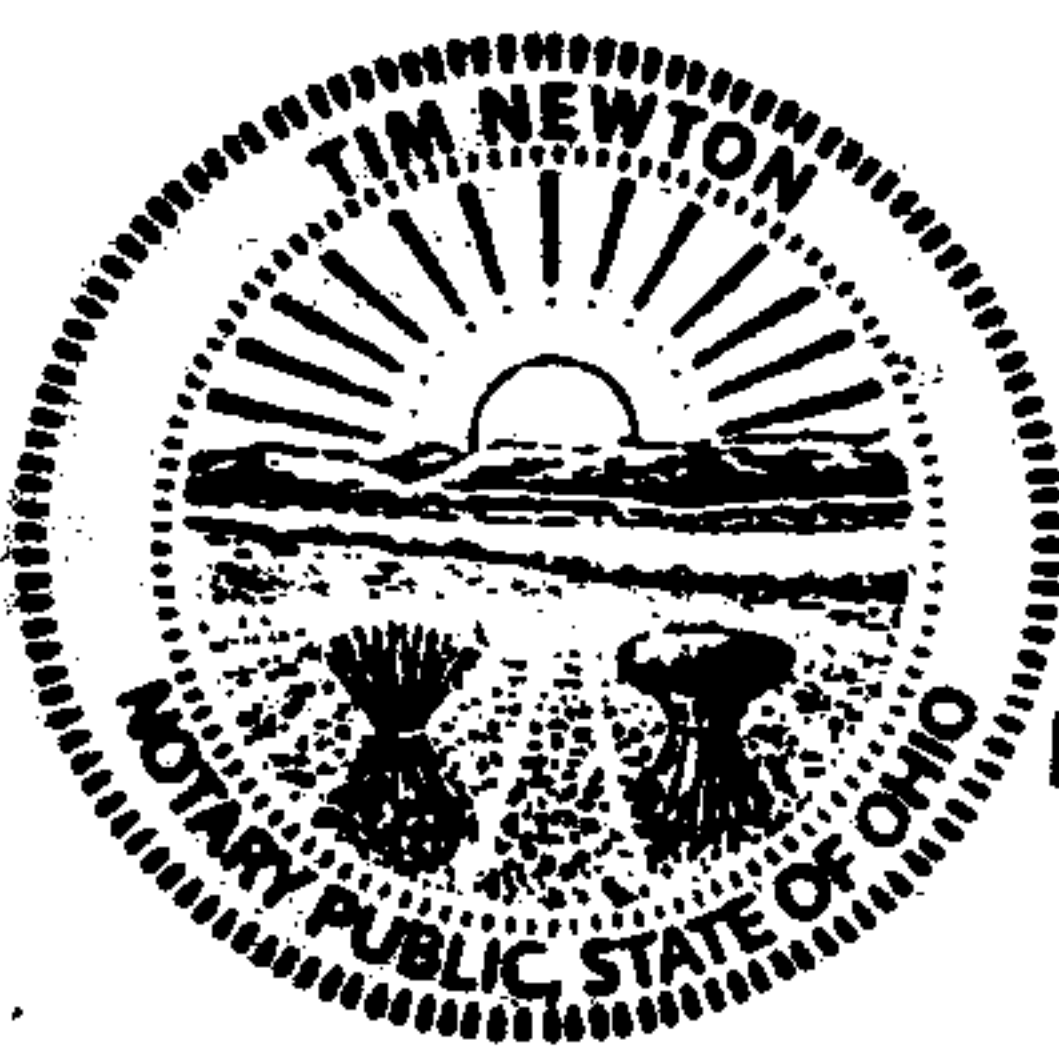
39. I, my husband, and our daughter have each had issues with our pharmacist regarding our lack of masks. Each time we go in to pick up prescriptions, we are given the third-degree as to why we don't have masks on and why we should have masks on. It has gotten so bad, that our 24-year-old daughter will not go to pick up her medications because she simply can't tolerate the barrage of questions and condemnation from the pharmacist. I have had numerous encounters with the pharmacist myself. The pharmacist had the audacity to bring up my daughter's asthma and say that that is a reason why our daughter should wear a mask. My daughter has asthma that causes her blood oxygen saturation to be around 85% on a good day. The last thing she needs is to be masked and deprive her body of even less oxygen. It is ridiculous to have to be subjected to discrimination, lectures, and propaganda when all we simply are there to do is pick up medicine.

40. Further, Affiant sayeth naught.

*Tara Calder*

Sworn to before me and subscribed in my presence this 27<sup>th</sup> day of August, 2020.

*[Signature]*  
Notary Public



**TIM NEWTON**  
**NOTARY PUBLIC, STATE OF OHIO**  
**HAMILTON COUNTY**  
**My Commission Expires 11/18/2020**